

DSD:JMC:ATK:ERjs
DJ 166-012-3
C5544-5546

28 MAR 1980

James C. Mayo, Esq.
Feir and Mayo
Post Office Box 509
Louisville, Mississippi 39389

Dear Mr. Mayo:

This is in reference to the changes in election procedures for the Board of Trustees of the Louisville Municipal Separate School District in Winston County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on January 22, 1980.

At the outset, we note that our analysis has revealed no other situation in Mississippi where a county-wide school district is operated as a municipal separate school district as in Winston County. To the contrary, our analysis shows that all other county-wide school districts in Mississippi are operated by county school boards which are, by Mississippi law, elected from the five county supervisor posts or districts in each county. As in most other elections in Mississippi, candidates may win in the general election by obtaining a plurality of the votes cast.

As we understand it, however, and because the county-wide school authority in Winston County is termed a municipal separate school district, a majority vote run-off requirement will apply to the election of school board members even though they will be elected from the county's five supervisor's districts. Thus, in spite of the fact that the only apparent difference between the Winston County-wide school authority and that of other counties is its name, in Winston County a majority vote requirement would be imposed as a unique feature among county-wide school board elections in the state.

In this regard, our analysis further has shown that blacks constitute approximately 39 percent of the county's population but do not constitute a majority of any of the five supervisor's districts from which school board members will be elected in Winston County. Additionally, there appears to be a general pattern of racially polarized voting in the county and no black has ever been elected or appointed to the school board, the board of supervisors or the Louisville Board of Aldermen. Because of these facts, we are unable to conclude, as we must under the Voting Rights Act, that the special application of a majority vote requirement for the election of county-wide school board members in Winston County will not have a discriminatory effect. Accordingly, on behalf of the Attorney General, I must enter an objection to the method of electing the Louisville Municipal Separate School District board of trustees insofar as it incorporates a majority vote requirement.

Of course, as provided by Section 5 of the Voting Rights Act you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the changes in election procedures legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the Louisville Municipal Separate School District plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Mr. Andrew Karron (202--724-7403) of our staff, who has been assigned to handle this submission.

Because of the pendency of the related case of Lovorn v. Mathorn, No. 49446, we are forwarding a copy of this letter to the Chancery Court.

Sincerely,

Draw 8. Days III
Assistant Attorney General
Civil Rights Division