

MAR 24 1976

Mr. Charles G. Harris
Superintendent, Chapel Hill
Independent School District
Route 7
Tyler, Texas 75701

Dear Mr. Harris:

This is in reference to the majority vote requirement for the Chapel Hill Independent School District submitted to the Attorney General pursuant to section 5 of the Voting Rights Act of 1965. Your submission was received on January 24, 1976. While we have noted your request for expedited consideration, we have been unable to give you an earlier response to this matter.

We have considered carefully the submitted change to majority vote requirement and the supporting information, along with Census Bureau data and information and comments from other interested parties. Our analysis reveals that the at-large election scheme for Chapel Hill Independent School District includes the use of staggered terms and designated posts and there are significant indications that racial bloc voting may exist.

Recent court decisions suggest that an at-large voting system which incorporates features such as numbered posts, staggered terms and the majority vote requirement may operate to minimize or dilute the voting strength of minority groups and thus have an

invidious discriminatory effect. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971); Zimmer v. McKeithen, 435 F.2d 1297 (5th Cir. 1973); Beer v. United States, 374 F. Supp. 363 (D.D.C. 1974). In view of these court decisions, and on the basis of all the available facts and circumstances, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the implementation of a majority vote requirement will not have a discriminatory racial effect on voting rights in the Chapel Hill Independent School District. On behalf of the Attorney General, I must interpose an objection to the submitted majority vote requirement.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that the majority vote requirement neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of electing members of the Board of Trustees, Chapel Hill Independent School District, Tyler, Texas.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division