

JSP:RAC:aaf
DJ 166-012-3
X7305

12 NOV 1976

Mr. Josiah Wheat
City Attorney
Box 517
Woodville, Texas 75979

Dear Mr. Wheat:

This is in reference to the change to a numbered place system for alderman elections in the City of Woodville, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on September 13, 1976.

We have given careful consideration to the materials and information you have submitted as well as information and comments from other interested parties. We have noted particularly, the electoral history in the City of Woodville, the increase in minority political activity, the lack of any black representation on the City Council and the fact that the numbered place system would be added to an at-large election system.

The place system in effect creates separate offices and permits each voter to vote for only one candidate in each place. In the context of an at-large electoral system, and other factors as they affect the electoral process in the City of Woodville, the opportunity for black voters to elect a representative of their choice to the City Council is significantly lessened by the addition of the numbered place requirement. See Dunston v. Scott, 336 F. Supp. 206, 213 n.9 (S.D.N.C. 1972).

For these reasons, the Attorney General has interposed objections under Section 5 of the Voting Rights Act to numbered place systems in a number of other similar jurisdictions. We are unable to conclude, as we must under the Voting Rights Act, that the addition of the numbered place feature to the election method of the City Council in the City of Woodville will not have the effect of discriminating on account of race or color. Therefore, on behalf of the Attorney General, I must interpose an objection under Section 5.

Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia seeking a declaratory judgment that the change to a numbered post system does not have the purpose and will not have the effect of denying or abridging the right to vote to members of a minority group based on race or color. However, until and unless such a judgment is obtained, the change to a numbered place system for alderman elections in the City of Woodville, Texas, is legally unenforceable.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division