

MAR 25 1977

Mr. Jerry Jacobs  
Superintendent, Raymondville  
Independent School District  
P.O. Box 429  
Raymondville, Texas 78580

Dear Mr. Jacobs:

This is in reference to the polling place changes for the Raymondville Independent School District, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on February 15, 1977.

Your submission consists of the following changes in the location of polling places. The polling place for Precinct 1 (Willacy County Precincts 1 and 7) has been moved from the Raymondville City Hall to the American Legion Hall. The polling place for Precinct 2 (Willacy County Precincts 2, 8, and 11) has been moved from one location to another within the Raymondville Community and Historical Center.

The Attorney General does not interpose any objection to the polling place change at the Community and Historical Center. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of a change.

It is our understanding that since we received this submission the school district, as required by order of the 107th District Court, Willacy County (March 14, 1977), has designated the Smith Elementary School as the

polling place for those Precinct 1 voters residing in County Precinct 1, and that this polling place will be used in the election scheduled for April 2, 1977, unless the district court ruling is reversed on appeal prior to the date of the election. We also understand that the creation of the Smith school polling place will be submitted to the Attorney General pursuant to Section 5.

The situation with respect to polling places for the April 2, 1977 election, therefore, is still uncertain. Nevertheless, because of your request for the expedited consideration of this submission and because of the need of a resolution of this matter prior to the election, we are responding at this time.

We will first consider the situation if only the American Legion Hall is used as a Precinct 1 polling place. We have received un rebutted representations indicating that the change in the location of the Precinct 1 polling place from the City Hall to the American Legion Hall may have the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Specifically, it appears that this change will result in a significant inconvenience for many Mexican American voters residing in County Precinct 1. In addition, the American Legion Hall appears to be a place where many Mexican Americans feel unwelcome. Thus it is likely that the use of the American Legion Hall will have the effect of deterring participation by Mexican Americans in the April 2, 1977 election. We also note that other alternatives were available to the school district to overcome the problems connected with the continued use of the City Hall as a polling place location.

On the basis of these facts and circumstances, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the change to the use of the

American Legion Hall as the polling place for Precinct 1 will not have the effect of discriminating on account of race, color, or membership in a language minority group. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of this polling place change.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has 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, Sections 51.23 to 51.25 of the Attorney General's Section 5 guidelines (28 C.F.R. 51.23-51.25) permit reconsideration of the objection should you have new information bearing on the matter. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court is obtained, the legal effect of the objection by the Attorney General is to make the change to the American Legion Hall legally unenforceable.

It is our understanding, however, that the use of the Smith school as a polling place location would effectively eliminate whatever problems may be created by the change from the City Hall to the American Legion Hall. Therefore, the Attorney General does not interpose any objection to the use of the American Legion Hall for voters residing in County Precinct 7 if the Smith Elementary School is used. If the school district decides not to use the Smith school polling place for the April 2, 1977 election, please notify Voting Section Attorney David Hunter at 202--739-3849.

As was pointed out above, Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent

judicial action to enjoin the enforcement of a change. We should further point out that the Attorney General has no authority to waive the 60-day period for the consideration of a submission and, as our guidelines indicate (see 28 C.F.R. Section 51.22), we may reexamine our position on your submission should we receive additional information concerning the changes in voting procedure prior to the expiration of the 60-day period. Should such information warrant a change in the Attorney General's determination, you will be so advised.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division