

APR 11 1977

Mr. W. Z. Miller  
Superintendent  
Prairie Lea Independent  
School District  
Box 12  
Prairie Lea, Texas 78661

Dear Mr. Miller:

This is in reference to the imposition of numbered place and majority vote requirements for the election of school board members of the Prairie Lea 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 10, 1977.

We have given careful consideration to the information you have provided as well as to relevant demographic data and court decisions. The courts have held that, in the context of at-large elections, the imposition of numbered place and majority vote requirements can have a discriminatory effect on minority political influence. See White v. Regester, 412 U.S. 755, 766-67 (1973), and Zimmer v. McKeithen, 485 F.2d 1297, 1305 (5th Cir. 1973), aff'd sub nom. East Carroll School Board v. Marshall, 424 U.S. 636 (1976).

Our analysis reveals that Mexican Americans constitute approximately 20 percent of the district's population and blacks approximately 10 percent. No minorities serve on the school board and, except for one who later withdrew, there have been no minority candidates at least since 1969. Although we have no specific evidence that this absence of minority participation in the affairs of the Prairie Lea Independent School District is either the direct or indirect result of discrimination, your submission indicated no compelling need for the adoption of the numbered place and majority vote requirements, and in the course of our research with respect to this change we have discovered none.

In these circumstances, the Attorney General is unable to determine whether or not the imposition of numbered place and majority vote requirements by the Prairie Lea Independent School District has the purpose or will have the effect

of denying or abridging the right to vote on account of race or color. Because the burden is on the submitting authority to prove the absence of discrimination, Section 5 of the Voting Rights Act requires that in such a situation an objection be interposed. See 28 C.F.R. Section 51.19. Accordingly, on behalf of the Attorney General, I must interpose an objection to the numbered place and majority vote requirements.

If, however, you have new information indicating that these requirements do not have a discriminatory purpose or effect, you may request us to reconsider this determination. See 28 C.F.R. Sections 51.12, 51.12, and 51.24. In addition, Section 5 permits the Prairie Lea Independent School District to seek a declaratory judgment from the United States District Court for the District of Columbia that the imposition of numbered place and majority vote requirements does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Until the objection is withdrawn or such a declaratory judgment obtained, the legal effect of this objection is to render the numbered place and majority requirements unenforceable.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division

MAR 7 1978

Mr. Edgar Coble  
Education Service Center  
Region XIII  
7703 North Lamar Boulevard  
Austin, Texas 78752

Dear Mr. Coble:

This is in response to your request for reconsideration of the objection interposed April 11, 1977, to the imposition of numbered place and majority vote requirements for the election of school board members of the Prairie Lea Independent School District, Texas. Your request was received on January 6, 1978.

We have given careful consideration to the new information furnished by you. On the basis of our analysis of this information, we have concluded 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. I, therefore, on behalf of the Attorney General am withdrawing the previously interposed objection to the numbered place and majority vote requirement in Prairie Lea Independent School District. We feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure to object does not bar any subsequent judicial action to enjoin the enforcement of such change.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division