

MAY 2 1977

Mr. William A. Meitzen
District Attorney
Fort Bend County
Richmond, Texas 77469

Dear Mr. Meitzen:

This is in reference to the changes in voting precincts and polling places for Fort Bend County since November, 1972, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on March 3, 1977.

We have given careful consideration to these changes and to the supporting materials you have provided, as well as to comments from interested parties and relevant demographic data. The Attorney General does not interpose any objections to the changes in voting precincts or to the changes in polling places for Precincts 3, 9, 11, 13, 17, 22, 23, 26, 27, 28, and 29. 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 such changes.

With respect to the change of polling place for Precinct 12-A from the City Hall to the Rose Rich Shopping Center and to the selection of the Deaf Smith School for the polling place for Precinct 1-B we are unable to make the same determination. Our analysis reveals that the Rose Rich Shopping Center, the new polling place for Precinct 12-A, is located several miles from the heaviest concentration of minority population and that public transportation to the shopping center is not available. The shopping center is significantly less convenient for the minority population than was the prior polling place, at City Hall. We have been informed that more convenient sites within Precinct 12-A are available. In addition, it appears that confusion has resulted from the shift of the polling place within the shopping location center itself without adequate notice.

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Similarly, the polling place located at the Deaf Smith School in the Anglo section in the southern tip of Precinct 1-B creates a significant inconvenience to minority voters, who are concentrated in the northern end of the precinct. The prior polling place location, at the courthouse, was substantially more accessible.

Under these circumstances, the Attorney General cannot conclude, as he must under Section 5, that the polling place locations for Precincts 12-A and 1-B do not have the purpose or effect of discriminating on account of race, color, or membership in a language minority group. Accordingly, I must, on behalf of the Attorney General, interpose an objection to these polling place changes.

If, however, you have new information indicating that these polling place changes do not have a discriminatory purpose or effect, you may request us to reconsider this determination. See 28 C.F.R. Section 51.21, 51.23, and 51.24. In addition, Section 5 permits Fort Bend County to seek a declaratory judgment from the United States District Court for the District of Columbia that these polling place changes do 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. However, until the objection is withdrawn or such a declaratory judgment obtained, the legal effect of this objection is to make these two changes in polling places legally unenforceable.

Finally, our review of the maps you provided of precincts in the City of Rosenberg in 1972 and 1976 suggests that between 1972 and 1976 there may have been a reapportionment of Commissioners' Precincts in Fort Bend County. If this is the case, that is a change that must be the subject of a declaratory judgment action in the District of Columbia District Court or submitted to the Attorney General for preclearance.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division