

SEP 12 1979

DSD:JMC:RW:rjs
DJ 166-012-3
C5242

Mr. Hugo J. Nowotny
Business Manager
Comal Independent School District
Central Administrative Offices
1421 Highway 81 East
New Braunfels, Texas 78130

Dear Mr. Nowotny:

This is in reference to the numbered place system for the election of members to the Board of Trustees for Comal Independent School District, Comal County, Texas, and to our letter to you of August 30, 1979, in which we advised of the continuance of the April 4, 1977, Attorney General objection to that method.

To remove any doubt as to the legal effect of our August 30, 1979 letter to you, I thought this letter of clarification appropriate. It should be understood that the Attorney General objects both to the submission completed on February 2, 1977 (to which the Attorney General initially objected on April 4, 1977), and to your submission on July 17, 1979 of the June 19, 1979 Resolution of the Board of Trustees of the Comal Independent School District. Since the June 19, 1979 Resolution provides for the identical practice previously objected to, and since you have furnished no new information justifying any change in our position, I must, on behalf of the Attorney General, continue the objection of April 4, 1977, and object to the June 19, 1979 Resolution providing for numbered seats.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States 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 or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the numbered place systems legally unenforceable.

Sincerely,

DEW S. DAVIS III
Assistant Attorney General
Civil Rights Division