



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Glenn R. Snyder, Esq.
Snyder & Rugaard
P. O. Box 248
DeSoto, Texas 75115

2 APR 1984

Dear Mr. Snyder:

This refers to the four polling place and the absentee voting location changes for the Wilmer-Hutchins Independent School District in Dallas County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on March 15, 1984. Although we were unable to complete our evaluation by March 22, 1984, as you requested, we have expedited our consideration of your submission to the extent possible pursuant to the Procedures for the Administration of Section 5 (28 C.F.R. 51.32).

We have considered carefully the information you have provided, as well as comments and information provided by other interested parties. At the outset, we note that the greater portion of the school district's population resides in the northern part of the district which is a part of the City of Dallas and is predominantly black. Under the existing arrangement, there are two school district polling places in this area (along with the absentee polling place) and one in the less populated southern portion of the district which contains the Cities of Wilmer, Hutchins, and Lancaster and is predominantly white.

The proposed changes would establish new polling places in the Cities of Wilmer, Hutchins, and Lancaster (in the southern portion of the district) while abolishing one of the two polling places now existing in Dallas in the northern portion of the district and the absentee voting location would be moved from the northern to the southern portion of the district. In addition, the school district has arranged to have its proposed polling places in Wilmer and Hutchins combined with polling places being used for city elections

which are being held on the same day but the district has declined to pursue similar arrangements for City of Dallas residents of the school district where city elections also are being held on the same day. Thus, our information indicates that not only would the school district be moving polling places out of the black community (where the greater proportion of the district's population resides) and into the less populated white areas (Wilmer, Hutchins, and Lancaster), it would also be conferring on white voters the additional advantage of consolidated voting locations for city elections and denying the black voters a similar opportunity.

The school district has not provided any credible reasons, unrelated to race, for its decrease in the facilities that will be available to the predominantly black and more heavily populated northern portion of the district nor for its failure to seek the use of Dallas city polling places for its election. This especially concerns us because we understand that recent efforts by blacks in the district to resolve this situation have been rejected by the school board despite the expressed willingness of the City of Dallas to coordinate polling place locations with the Wilmer-Hutchins School District. No satisfactory explanation has been provided as to why the school board refuses to accommodate the black community's desire to vote in the same location for both city and school elections in the same manner that it accommodated the largely white electorate in the Cities of Wilmer and Hutchins.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. See *Georgia v. United States*, 411 U.S. 526 (1973); see also 28 C.F.R. 51.39(e)). In light of the circumstances discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the proposed polling place and absentee voting location changes.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the proposed polling place and absentee voting location changes legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Wilmer-Hutchins Independent School District plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



W. Bradford Reynolds
Assistant Attorney General
Civil Rights Division