



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 10 1986

Paul Lyle, Esq.
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P. O. Box 328
Plainview, Texas 79073-0328

Dear Mr. Lyle:

This refers to the change in the method of election from at large with numbered positions to five single-member districts with two at-large positions; the districting plan; the establishment of five voting precincts and the polling places therefor; and the runoff election procedures for the Plainview Independent School District in Hale County, Texas, submitted to the Attorney pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submissions on March 27, 1986.

We have considered carefully the information you have provided, information and comments from other interested parties, as well as relevant Bureau of the Census data. Concerning the change in the method of election and the districting plan, the information we have received and our independent analysis reveal strong indications that the plan adopted by the school district was designed to minimize the opportunity for effective political participation by minority citizens. First, we note that rather than adopt a plan of districts coordinated with the districting plan for the City of Plainview, the school board chose a plan of five districts and two at-large seats. The districts of the school board's plan show little relationship to the districts of the city's election plan. As a result of this decision, many voters will be required to visit two polling places on the same day in order to cast ballots for city and school district offices. The information submitted reveals that a primary motivation underlying the submitted plan was to

assure that minority citizens would constitute a voting majority in only one district. This result was achieved by needlessly fragmenting the concentrated minority population among four of the five districts, creating arbitrary divisions among cohesive minority neighborhoods, and linking segments of the minority community with the largely Anglo rural components of the school district. Finally, our analysis reveals that despite requests from the minority community for involvement in the development of a new election system, the school district chose to exclude minority citizens from any effective role in the decision-making process. No adequate nonracial explanation has been furnished by the school board as to any of these choices.

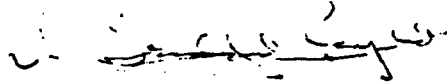
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In light of the considerations discussed above, I am unable to conclude that the school district has satisfied its burden of demonstrating that the submitted election plan was enacted without a purpose of denying or abridging the right to vote of minority citizens. See Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982). As a consequence, I must, on behalf of the Attorney General, interpose an objection to the change in the method of election and the districting plan.

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, color, or membership in a language minority group. 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 change in the method of election and districting plan legally unenforceable. 28 C.F.R. 51.9.

In light of the Section 5 objection to the above-described changes, we are unable to make a determination concerning the voting precinct, polling place, and runoff procedure changes now. See 28 C.F.R. 51.20(b).

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Plainview ISD plans to take with respect to these matters. If you have any questions, feel free to call Poli Marmolejos (202-724-8388), Attorney-Reviewer of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division