

Appendix A

Table A.1 Jurisdictions Discussed in Report

State	Specific jurisdiction	Minority group
Alabama	Hale County	black
	Huntsboro*	black
	Lee County*	black
	Mobile	black
	Montgomery County	black
	Opelika*	black
	Pike County	black
Arizona	Apache County	American Indian
	Phoenix*	Hispanic
California	Fresno County*	Hispanic
	San Francisco County*	Chinese, Hispanic
Colorado	Denver County*	Hispanic
Georgia	Burke County	black
	Butts County	black
	Calhoun County	black
	Clay County	black
	College Park	black
	Dawson	black
	Dooly County	black
	Johnson County*	black
	Peach County	black
	Taliaferro County	black
Wrightsville*	black	
Louisiana	East Baton Rouge Parish	black
	East Carroll Parish	black
	Lafayette Parish*	black
	New Orleans*	black
	Ouachita Parish	black
	Plaquemines Parish*	black
	St. Landry Parish*	black
Mississippi	Greenwood	black
	Hinds County*	black
	Jackson*	black
	Lee County	black
	Port Gibson*	black
	Warren County	black
New Mexico	Albuquerque	Hispanic
	San Juan County	American Indian
New York	Bronx County*	Hispanic
	Kings County*	Hispanic
North Carolina	Halifax County*	black
	Roanoke Rapids*	black
	Wilson*	black

Table A.1 Jurisdictions Discussed in Report (continued)

State	Specific jurisdiction	Minority group
Oklahoma	Cherokee County*	American Indian
South Carolina	Charleston County	black
	Colleton County	black
	Dillon County	black
	Florence County*	black
	Georgetown County*	black
	Hampton County	black
	Marion County*	black
South Dakota	Shannon County	American Indian
	Todd County	American Indian
Texas	Aransas County	Hispanic
	Atascosa County*	Hispanic
	Bexar County	Hispanic
	Crockett County	Hispanic
	Dallas	Hispanic
	Frio County*	Hispanic
	Houston	black, Hispanic
	Jim Wells County	Hispanic
	Lockhart	Hispanic
	Medina County*	Hispanic
	Raymondville	Hispanic
San Antonio*	Hispanic	
Taylor	Hispanic	
Terrell County	Hispanic	
Virginia	Emporia*	black
	Greensville County	black
	Hopewell*	black
	Newport News	black
	Norfolk*	black
	Richmond	black

* Indicates jurisdictions visited by Commission staff.

Appendix B

JURISDICTIONS COVERED UNDER THE VOTING RIGHTS ACT OF 1965 AS AMENDED IN 1970 AND 1975

Table B.1 Coverage Limited to the Original Special Provisions of the Voting Rights Act

State/county	State/county	State/county
ALABAMA	NEW HAMPSHIRE*	Greene
CONNECTICUT*	(Towns)	Guilford
(Towns)	Antrim	Halifax
Groton	Benton	Harnett
Mansfield	Boscawen	Hertford
Southbury	Millsfield Township	Lee
GEORGIA	Newington	Lenoir
IDAHO*	Pinkhams Grant	Martin
Elmore	Rindge	Nash
LOUISIANA	Stewartstown	Northampton
MASSACHUSETTS*	Stratford	Onslow
(Towns)	Unity	Pasquotank
Amherst	NORTH CAROLINA	Perquimans
Ayer	Anson	Person
Belchertown	Beaufort	Pitt
Bourne	Bertie	Rockingham
Harvard	Bladen	Scotland
Sandwich	Camden	Union
Shirley	Caswell	Vance
Sunderland	Chowan	Washington
Wrentham	Cleveland	Wayne
MISSISSIPPI	Craven	Wilson
	Cumberland	SOUTH CAROLINA
	Edgecombe	VIRGINIA
	Franklin	WYOMING*
	Gaston	Campbell
	Gates	
	Granville	

* Covered under 1970 amendments to the Voting Rights Act.

TABLE B.2 Coverage Limited to the Minority Language Provisions of the Voting Rights Act (continued)

State/county	Language minority group	State/county	Language minority group
NEW MEXICO (Cont'd)		SOUTH DAKOTA	
Rio Arriba	American Indian, Spanish	Bennett	American Indian
Roosevelt	Spanish	Charles Mix	American Indian
Sandoval	American Indian, Spanish	Corson	American Indian
San Juan	American Indian, Spanish	Lyman	American Indian
San Miguel	Spanish	Mellette	American Indian
Sante Fe	Spanish	Washabaugh	American Indian
Sierra	Spanish	UTAH	
Socorro	Spanish	Carbon	Spanish
Taos	American Indian, Spanish	San Juan	American Indian
Torrance	Spanish	Tooele	Spanish
Union	Spanish	Uintah	American Indian
Valencia	American Indian, Spanish	WASHINGTON	
NORTH CAROLINA		Adams	Spanish
Swain	American Indian	Columbia	Spanish
NORTH DAKOTA		Grant	Spanish
Benson	American Indian	Okanogan	American Indian
Dunn	American Indian	Yakima	Spanish
McKenzie	American Indian	WISCONSIN (towns)	
Mountrail	American Indian	Nashville Town	
Rolette	American Indian	(Forest County)	American Indian
OKLAHOMA		Bovina Town	
Adair	American Indian	(Outagamie County)	Spanish
Blaine	American Indian	Oneida Town	
Caddo	American Indian	(Outagamie County)	American Indian
Cherokee	American Indian	Hayward City	
Choctaw	American Indian	(Sawyer County)	American Indian
Coal	American Indian	WYOMING	
Craig	American Indian	Carbon	Spanish
Delaware	American Indian	Fremont	American Indian
Harmon	Spanish	Laramie	Spanish
Hughes	American Indian	Sweetwater	Spanish
Johnston	American Indian	Washakie	Spanish
Latimer	American Indian		
McCurtain	American Indian		
McIntosh	American Indian		
Mayer	American Indian		
Okfuskee	American Indian		
Okmulgee	American Indian		
Osage	American Indian		
Ottawa	American Indian		
Pawnee	American Indian		
Pushmataha	American Indian		
Rogers	American Indian		
Seminole	American Indian		
Sequoyah	American Indian		
Tillman	Spanish		
OREGON			
Jefferson	American Indian		
Malheur	Spanish		

TABLE B.3 Combined Coverage Under the Preclearance Provisions and the Minority Language Provisions of the Voting Rights Act

State/county	Language minority group	State/county	Language minority group
ALASKA	Alaskan Native (statewide)	MICHIGAN	
ARIZONA	Spanish (statewide)	Clyde Township	Spanish
Apache	American Indian	(Allegan County)	
Coconino	American Indian	Buena Vista Township	Spanish
Navajo	American Indian	(Saginaw County)	
Pinal	American Indian	MISSISSIPPI	
CALIFORNIA		Neshoba	American Indian
Kings	Spanish	NEW YORK	
Merced	Spanish	Bronx	Spanish
Monterey	Spanish	Kings	Spanish
Yuba	Spanish	New York	Spanish
COLORADO		NORTH CAROLINA	
El Paso	Spanish	Hoke	American Indian
FLORIDA		Jackson	American Indian
Collier	Spanish	Robeson	American Indian
Hardee	Spanish	SOUTH DAKOTA	
Hendry	Spanish	Shannon	American Indian
Hillsborough	Spanish	Todd	American Indian
Monroe	Spanish	TEXAS	Spanish (statewide)
HAWAII		VIRGINIA	
Honolulu	Filipino, Japanese	Charles City	American Indian
LOUISIANA			
St. Bernard Parish	Spanish		

Source: 28 C.F.R. Part 51 (1980), Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, Appendix-Jurisdictions covered under Section 4 (b) of the Voting Rights Act, as Amended and 28 C.F.R. Part 55 (1980), Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, Appendix-Jurisdictions covered under Sections 4 (f) (4) and 203 (c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.

Appendix C Observer and Examiner Statistics

Table C.1 Observation of Elections Under the Voting Rights Act of 1965

State and county	Number of observers					
	1975	1976	1977	1978	1979	1980
ALABAMA						
Bullock	0	0	0	32	0	0
Choctaw	0	14	0	0	0	0
Conecuh	0	0	0	0	0	93
Dallas	0	42	0	0	0	0
Hale	0	0	0	82	0	49
Marengo	0	0	0	195	0	0
Perry	0	25	0	0	0	0
Pickens	0	0	0	27	0	31
Russell	0	0	0	65	0	0
Sumter	0	24	0	55	0	69
Wilcox	0	76	0	142	0	30
Total	0	181	0	598	0	272
CALIFORNIA						
San Francisco	0	0	0	146	140	0
GEORGIA						
Bulloch	0	0	0	0	0	9
Calhoun	0	0	0	0	0	18
Early	0	0	0	0	0	19
Hancock	0	0	0	4	0	0
Johnson	0	0	0	0	0	33
Meriweather	0	15	0	0	0	0
Mitchell	0	0	0	0	0	19
Stewart	0	25	0	0	0	0
Sumter	0	0	0	0	0	26
Telfair	0	0	0	0	0	18
Terrell	11	27	0	0	0	0
Tift	0	0	0	0	0	14
Total	11	67	0	4	0	156
LOUISIANA						
Desoto	5	0	0	0	0	0
East Carroll	38	30	0	0	45	0
East Feliciana	13	3	0	0	0	0
Madison	56	0	0	0	0	0
Plaquemines	0	0	0	0	27	0
St. Helena	4	0	0	0	58	0
St. Landry	0	0	0	0	0	12
Total	116	33	0	0	130	12
MISSISSIPPI						
Benton	29	0	0	0	0	0
Bolivar	55	0	14	5	45	0
Claiborne	76	0	0	0	73	54
Clay	16	0	0	0	0	36
Covington	0	0	0	0	41	0
DeSoto	0	0	2	0	0	0
Greene	0	0	0	0	33	0
Grenada	0	19	0	0	0	0
Hinds	26	0	3	0	0	0
Holmes	34	0	5	0	33	0

Table C.1 (cont.)

Humphreys	67	0	0	0	106	48
Issaquena	2	4	0	0	0	0
Jasper	0	0	0	0	18	0
Jefferson	26	0	0	0	0	0
Kemper	0	0	0	0	55	0
Leflore	162	0	7	0	0	0
Madison	187	0	0	0	0	0
Marshall	217	0	19	0	377	0
Noxubee	126	26	7	0	65	86
Oktibbeha	16	0	0	0	0	0
Quitman	0	0	0	0	0	20
Sharkey	20	0	0	0	0	0
Sunflower	71	0	6	0	0	0
Tallahatchie	6	0	2	0	85	0
Tunica	8	16	24	10	28	0
Warren	42	0	0	0	133	0
Wilkinson	20	0	0	0	26	0
Yazoo	46	0	0	16	94	30
Total	1,252	132	89	31	1,212	274
NEVADA						
Humboldt	0	0	0	3	0	0
SOUTH CAROLINA						
Darlington	0	0	0	55	0	0
Marion	0	0	0	12	0	0
Total	0	0	0	67	0	0
TEXAS						
Atascosa	0	0	0	0	0	19
Bee	0	24	0	0	0	0
Crockett	0	0	0	8	0	0
El Paso	0	0	0	8	0	0
Fort Bend	0	18	0	0	0	0
Frio	0	26	0	0	0	0
LaSalle	0	26	0	0	0	0
Medina	0	57	0	0	0	0
Reeves	0	0	0	74	0	0
Uvalde	0	24	0	0	0	0
Wilson	0	18	0	0	0	0
Total	0	193	0	90	0	19
WISCONSIN						
Shawano	0	0	0	6	0	0

Source: U.S., Department of Justice, Civil Rights Division, Voting Section, Mar. 12, 1981.

TABLE C.2 Counties Designated for Federal Examiners and Number of Persons Listed by Examiners

State and county	Date of designation	Net no. of persons listed
ALABAMA		
Autauga	10-29-65	1,330
Bullock*	11-06-78	
Choctaw*	5-30-66	
Conecuh*	8-28-80	
Dallas	8-09-65	8,418
Elmore	10-29-65	1,792
Greene	10-29-65	1,639
Hale	8-09-65	2,769
Jefferson	1-20-66	20,560
Lowndes	8-09-65	3,030
Marengo	8-09-65	5,076
Montgomery	9-29-65	9,731
Perry	8-18-65	2,035
Pickens*	9-01-78	
Russell*	9-25-78	
Sumter	5-02-66	25
Talladega*	10-31-74	
Wilcox	8-18-65	3,326
Total		59,731
GEORGIA		
Baker*	11-04-68	
Bulloch*	7-30-80	
Burke*	11-07-78	
Calhoun*	7-30-68	
Early*	7-30-80	
Hancock*	11-07-66	
Johnson*	7-30-80	
Lee	3-23-67	475
Meriwether*	8-08-76	
Mitchell*	7-30-80	
Peach*	11-04-72	
Screven	3-23-67	1,448
Stewart*	8-03-76	
Sumter*	7-30-80	
Taliaferro*	11-04-68	
Telfair*	7-30-80	
Terrell	3-23-67	1,465
Tift*	7-30-80	
Twiggs*	9-03-74	
Total		3,388
LOUISIANA		
Bossier	3-23-67	1,182
Caddo	3-23-67	3,084
De Soto	3-23-67	1,843
East Carroll	8-09-65	1,618
East Feliciana	8-09-65	1,222
Madison	8-12-66	528
Ouachita	8-18-65	4,677
Plaquemines	8-09-65	1,768
Sabine*	9-27-74	
St. Helena*	8-16-72	
St. Landry*	12-05-79	
West Feliciana	10-29-65	93
Total		16,015
MISSISSIPPI		
Amite	3-23-67	379
Benton	9-24-65	335
Bolivar*	9-24-65	
Carroll	12-20-65	849
Claiborne	4-12-66	1,154

Table C.2 Counties Designated for Federal Examiners and Number of Persons Listed by Examiners (continued)

State and county	Date of designation	Net no. of persons listed
Clay	9-24-65	1,161
Coahoma	9-24-65	3,545
Covington*	8-06-79	
De Soto	10-29-65	808
Forrest	6-01-67	160
Franklin	3-23-67	47
Greene*	8-06-79	
Grenada	7-20-66	886
Hinds	10-29-65	13,170
Holmes	10-29-65	3,950
Humphreys	9-24-65	1,733
Issaquena	6-01-67	26
Jasper	4-12-66	614
Jefferson	10-29-65	1,756
Jefferson Davis	8-18-65	1,130
Jones	8-18-65	1,906
Kemper*	10-31-74	
Leflore	8-09-65	4,547
Madison	8-09-65	7,070
Marshall	8-05-67	95
Neshoba	10-29-65	743
Newton	12-20-65	639
Noxubee	4-12-66	378
Oktibbeha	3-23-67	324
Pearl River	4-29-74	181
Quitman*	10-29-80	
Rankin	4-12-66	1,061
Sharkey	6-01-67	366
Simpson	12-20-65	1,062
Sunflower*	4-29-67	
Tallahatchie	8-14-71	79
Tunica*	10-31-75	
Walthall	10-29-65	1,075
Warren	12-20-65	1,649
Wilkinson	8-05-67	125
Winston	4-12-66	25
Yazoo*	10-28-71	
Total		53,028
SOUTH CAROLINA		
Clarendon	10-29-65	3,413
Darlington*	11-06-78	
Dorchester	10-29-65	1,169
Marion*	6-26-78	
Total		4,582
TEXAS		
Atascosa*	10-29-80	
Bee*	10-29-76	
Crockett*	8-11-78	
El Paso*	11-06-78	
Fort Bend*	4-28-76	
Frio*	10-29-76	
La Salle*	10-29-76	
Medina*	4-28-76	
Reeves*	5-05-78	
Uvalde*	4-28-76	
Wilson*	4-28-76	

*No examiners were sent to these counties for purposes of listing voters, but they were available on election day to receive complaints of voting rights violations.

Sources: U.S., Department of Justice, Civil Rights Division, Voting Section, "Counties Designated as Examiner Counties" (Mar. 9, 1981); and U.S., Office of Personnel Management, "Cumulative Totals on Voting Rights Examining" (Dec. 31, 1980).

Table D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Alabama						
Autauga	32,259	22.4%				
Barbour	24,756	44.4				
Bibb	15,723	23.4				
Bullock	10,596	67.6	3	3	5	1
Butler	21,680	38.4				
Chambers	39,191	35.4				
Choctaw	16,839	43.5	2			
Clarke	27,702	42.7				
Conecuh	15,884	41.4				
Coosa	11,377	34.7				
Crenshaw	14,110	26.2				
Dallas	53,981	54.6				
Elmore	43,390	22.2				
Escambia	38,392	29.6				
Greene	11,021	78.0	5	3	4	2
Hale	15,604	67.8		1		
Henry	15,302	37.9				
Houston	74,632	22.2				
Jefferson	671,197	33.3		8		
Lee	76,283	24.4				
Lowndes	13,253	75.0	2	1	4	4
Macon	26,829	84.0	4	3	4	2
Marengo	25,047	53.3				
Mobile	364,379	31.5		1	2	
Monroe	22,651	43.0		4		
Montgomery	197,038	39.4			1	
Perry	15,012	60.1	2		2	
Pickens	21,481	41.8				
Pike	28,050	35.0				
Randolph	20,075	24.2				
Russell	47,356	39.4				
Sumter	16,908	69.3		9	1	
Talladega	73,826	30.8				
Tallapoosa	38,676	27.0				
Tuscaloosa	137,473	27.2				
Washington	16,821	32.9				
Wilcox	14,755	68.8		6		
Georgia						
Appling	15,565	20.1%				
Atkinson	6,141	22.7				
Baker	3,808	49.8	1		1	
Baldwin	34,686	37.4			1	
Ben Hill	16,000	30.2				
Bibb	151,085	38.5			3	
Bleckley	10,767	22.0				
Brooks	15,255	44.6				
Bryan	10,175	21.5				
Bulloch	35,785	26.7				
Burke	19,349	53.7				
Butts	13,665	39.2				
Calhoun	5,717	57.5			1	1
Camden	13,371	32.1	1		1	
Candler	7,518	32.0				
Charlton	7,343	29.4				
Chatham	202,226	38.2	2		1	

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Chattahoochee	21,732	32.4	1		1	
Clarke	74,498	23.5				
Clay	3,553	62.1				
Clinch	6,660	29.4			1	
Coffee	26,894	25.4				
Colquitt	35,376	23.4				
Cook	13,490	30.3				
Coweta	39,268	27.2				
Crawford	7,684	39.6				
Crisp	19,489	39.2				
Decatur	25,495	38.9				
DeKalb	483,024	27.1				
Dodge	16,955	26.4				
Dooly	10,826	48.7				
Dougherty	100,978	42.8	2			
Early	13,158	43.2				
Elbert	18,758	30.7				
Emanuel	20,795	31.7				
Evans	8,428	34.7				
Fulton	589,904	51.4	3	2		
Glynn	54,981	26.3	1			
Grady	19,845	31.7				
Greene	11,391	52.6			1	
Hancock	9,466	78.2	2	5	3	3
Harris	15,464	34.2				
Hart	18,585	22.2				
Irwin	8,988	31.0				
Jasper	7,553	40.3				
Jefferson	18,403	54.6				
Jenkins	8,841	41.2				
Johnson	8,660	32.0				
Jones	16,579	30.2			1	
Lamar	12,215	34.5				
Lanier	5,654	24.6				
Laurens	36,990	33.0				
Lee	11,684	23.8				
Liberty	37,583	36.6	1			
Lincoln	6,949	41.6				
Long	4,524	25.7				
Lowndes	67,972	30.3				
McDuffie	18,546	36.2			1	
McIntosh	8,046	45.2				
Macon	14,003	56.1			1	
Marion	5,297	46.2				
Meriwether	21,229	45.0			1	
Miller	7,038	28.5				
Mitchell	21,114	48.0			1	
Monroe	14,610	37.8				
Montgomery	7,011	30.9				
Morgan	11,572	41.0				
Muscogee	170,108	34.0			3	
Newton	34,489	25.5	1		1	
Oglethorpe	8,929	31.7				
Peach	19,151	50.6	1			
Pike	8,937	26.2				
Pulaski	8,950	34.3				
Putnam	10,295	41.5				

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Quitman	2,357	56.7	1			
Randolph	9,599	56.0				
Richmond	181,629	37.2			2	
Schley	3,433	36.4				
Screven	14,043	45.4				
Seminole	9,057	32.6				
Spalding	47,899	27.1				
Stewart	5,896	62.2			2	
Sumter	29,360	44.2				
Talbot	6,536	64.6	1		1	1
Taliaferro	2,032	64.9				
Tattnall	18,134	29.0				
Taylor	7,902	40.3			1	
Telfair	11,445	30.2				
Terrell	12,017	60.8				
Thomas	38,098	38.4				
Tift	32,862	26.0				
Toombs	22,592	25.4				
Treutlen	6,087	33.3			1	
Troup	50,003	31.3	1			
Turner	9,510	36.8				
Twiggs	9,354	50.8	1			
Upson	25,998	27.5				
Walton	31,211	21.1				
Ware	37,180	22.5				
Warren	6,583	59.6				
Washington	18,842	51.2				
Webster	2,341	50.4				
Wheeler	5,155	29.7				
Wilcox	7,682	31.9				
Wilkes	10,951	45.9				
Wilkinson	10,368	44.9				
Worth	18,064	34.3				
Louisiana						
Allen	21,390	20.4	1		1	
Ascension	50,068	22.5	2		2	
Assumption	22,084	31.7	1		1	
Avoyelles	41,393	25.5				
Bienville	16,387	42.3	1		2	
Caddo	252,294	37.8	6		4	
Calcasieu	167,048	21.7	1		3	
Catahoula	12,287	25.8				
Claiborne	17,085	46.8	2		2	
Concordia	22,981	35.0	2		2	
De Soto	25,664	44.8	4		3	
East Baton Rouge	366,164	31.3		2		
East Carroll	11,772	61.2	5		3	
East Feliciana	19,015	48.6	2		2	
Evangeline	33,343	24.1			1	
Franklin	24,141	32.0			1	
Iberia	63,752	27.7	2		2	
Iberville	32,159	47.9	3		5	
Jackson	17,321	27.2	2		3	
Lafayette	150,017	20.2	2		2	
Lincoln	39,763	36.7	3	1	4	
Madison	14,733	57.9	3	2	5	
Morehouse	34,803	40.2	2	1	2	
Natchitoches	39,863	36.2	3		2	

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Orleans	557,482	55.3		4	2	
Ouachita	139,241	29.1	1			
Plaquemines	26,049	21.3				
Pointe Coupee	24,045	41.6	2	4	2	
Rapides	135,282	26.8	2		2	
Red River	10,433	34.6	1		3	
Richland	22,187	35.4	2		2	
St. Charles	37,259	25.4				
St. Helena	9,827	51.5				
St. James	21,495	47.2	1	4	2	
St John The Baptist	31,924	38.1	4	2	1	
St. Landry	84,128	38.0	3	3	1	
St. Martin	40,214	32.8	2	2	1	
St. Mary	64,395	28.8	2	5		
Tangipahoa	80,698	30.1				
Tensas	8,525	54.6	3	1	4	
Union	21,167	29.1			1	
Washington	44,207	30.1			1	
Webster	43,631	31.9	2		2	
West Baton Rouge	19,086	38.0				
West Feliciana	12,186	57.9	2	1	4	
Winn	17,253	28.2	2		1	
Mississippi						
Adams	38,035	48.4	1	2		1
Amite	13,369	47.6			1	1
Attala	19,865	39.1				
Benton	8,153	37.9		1	1	
Bolivar	45,965	62.1	1	2	10	
Calhoun	15,664	25.4				
Carroll	9,776	45.3				
Chickasaw	17,853	36.0				
Choctaw	8,996	28.1				
Claiborne	12,279	74.5	4	9	4	8
Clarke	16,945	34.8				
Clay	21,082	49.9	1		1	2
Coahoma	36,918	64.0	1	3	2	1
Copiah	26,503	48.4				
Covington	15,297	34.6				
Forrest	66,018	26.8				
Franklin	8,208	37.2				
Greene	9,827	20.0				
Grenada	21,043	41.8				
Hinds	250,998	45.1	2	5		
Holmes	22,970	71.1	2	5	3	7
Humphreys	13,931	65.6	1	2		1
Issaquena	2,513	55.6	1	3		
Jasper	17,265	49.2				
Jefferson	9,181	82.0	4	10	5	6
Jefferson Davis	13,846	53.6				
Jones	61,912	23.1				
Kemper	10,148	54.3				
Lafayette	31,030	26.4				
Lauderdale	77,285	31.4				
Lawrence	12,518	30.9				
Leake	18,790	34.9			1	
Lee	57,061	20.4				
Leflore	41,525	59.1	1	3	1	
Lincoln	30,174	30.0				

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Lowndes	57,304	34.2		1		
Madison	41,613	55.9		3	2	
Marion	25,708	29.9			1	
Marshall	29,296	53.2	1	6	2	3
Monroe	36,404	29.7				
Montgomery	13,366	40.9				
Newton	19,944	27.2				
Noxubee	13,212	56.1	1			1
Oktibbeha	36,018	34.3	1		2	
Panola	28,164	48.9				
Perry	9,864	21.7				
Pike	36,173	43.3				
Quitman	12,636	56.0	1	1		
Scott	24,556	35.0		2		
Sharkey	7,964	65.6		2		
Simpson	23,441	30.7				
Smith	15,077	21.2				
Stone	9,716	22.6				
Sunflower	34,844	62.0				
Tallahatchie	17,157	57.2		1		
Tate	20,119	38.4				
Tunica	9,652	73.0		3	1	
Walthall	13,761	41.0				
Warren	51,627	32.4	1	3		
Washington	72,344	55.6		1		
Wayne	19,135	33.5				
Wilkinson	10,021	66.9	2	7	7	3
Winston	19,474	37.8				
Yalobusha	13,139	38.2				
Yazoo	27,349	51.1	1			
North Carolina						
Anson	25,562	46.6			1	
Beaufort	40,266	31.7				
Bertie	21,024	59.2			2	
Bladen	30,448	38.8				
Brunswick*	35,767	23.2			2	
Camden	5,829	32.2	1			
Caswell	20,705	47.1	1			
Chatham*	33,415	26.9	1			
Chowan	12,558	41.5				
Cleveland	83,435	20.8				
Columbus*	51,037	30.2				
Craven	71,043	27.1			1	
Cumberland	247,160	30.6	1			
Duplin*	40,952	34.2				
Durham*	152,785	36.3	2	1		
Edgecombe	55,988	50.8				
Forsyth*	243,683	24.4	1			
Franklin	30,055	40.9				
Gates	8,875	52.5			2	
Granville	33,995	43.4				
Greene	16,117	45.3				
Guilford	317,154	25.0		1		

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Halifax	55,286	47.1			1	
Harnett	59,570	23.2				
Hertford	23,368	54.8	1		1	
Hoke	20,383	43.5	1		1	
Hyde*	5,873	35.6				
Jones*	9,705	43.4	2		2	
Lee	36,718	22.1				
Lenoir	59,819	38.1			1	
Martin	25,948	44.5				
Mecklenburg*	404,270	26.5		1	3	
Montgomery*	22,469	24.5				
Moore*	50,505	21.2			1	
Nash	67,153	32.9			1	
New Hanover*	103,471	21.6			1	
Northampton	22,584	60.7				
Pamlico*	10,398	31.1				
Pasquotank	28,462	36.5			1	
Pender*	22,215	38.8				
Perquimins	9,486	62.1				
Person	29,164	31.4	1			
Pitt	83,651	34.0				
Richmond*	45,481	26.6	1			
Robeson	101,577	25.2			1	
Rockingham	83,426	20.6				
Sampson*	49,687	33.7		1		
Scotland	32,273	35.2			1	
Tyrrell*	3,975	39.0			1	
Vance	36,748	43.3			1	
Wake*	300,833	21.7	1	2		
Warren*	16,232	59.5	1		2	
Washington	14,801	38.2	1		1	
Wayne	97,054	32.6				
Wilson	63,132	36.4			1	
* Counties not covered by section 4(b).						
South Carolina						
Abbeville	22,627	33.0			1	
Aiken	105,625	24.8				
Allendale	10,700	62.5	2	2	2	
Bamberg	18,118	57.2	1			
Barnwell	19,868	41.4			2	
Beaufort	65,364	32.9	2	1	3	
Berkeley	94,727	24.7	1			
Calhoun	12,206	54.9				
Charleston	277,308	34.3	2	1	2	1
Chester	30,148	38.6				
Chesterfield	38,161	32.6	1		6	
Clarendon	27,464	57.4	1			2
Colleton	31,676	44.4			2	
Darlington	62,717	40.1				
Dillon	31,083	41.9				
Dorchester	58,266	25.5	1	1		
Edgefield	17,528	49.8				
Fairfield	20,700	58.4	2	2		
Florence	110,163	21.9	1		10	
Georgetown	42,461	44.8	1	1	3	
Greenwood	57,847	28.9	2		3	
Hampton	18,159	52.3				

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Horry	101,419	22.1	1			
Jasper	14,504	57.1	1	2	4	
Kershaw	39,015	31.2				
Lancaster	53,361	24.2				
Laurens	52,214	29.0				
Lee	18,929	61.2	1			
McCormick	7,797	60.6	1		2	
Marion	34,179	52.0	2			
Marlboro	31,634	46.3				
Newberry	31,111	31.6				
Orangeburg	82,276	56.0	3	1		
Richland	267,827	38.7	1	4	2	1
Saluda	16,150	35.3				
Spartanburg	201,553	20.2				
Sumter	88,243	44.1	1		3	
Union	30,751	29.4	1			
Williamsburg	38,226	62.3	2	5		1
York	106,720	22.3	1			
Texas						
Anderson	38,381	21.3	1		1	
Bowie	75,301	21.9			1	
Burleson	12,313	21.9				
Camp	9,275	25.5				
Cass	29,430	22.0			1	
Falls	17,946	27.2	1	1		
Freestone	14,830	21.6			1	
Grimes	13,580	27.8				
Harrison	52,265	31.5				
Houston	22,299	32.3				
Jefferson	250,938	28.2			1	
Limestone	20,224	23.2				
Madison	10,649	24.8				
Marion	10,360	34.7		1		
Morris	14,629	21.8				
Navarro	35,323	20.1				
Newton	13,254	24.1				
Red River	16,101	20.3			1	
Robertson	14,653	32.1			4	
Rusk	41,382	21.7			2	
San Augustine	8,785	29.6			1	
San Jacinto	11,434	21.0		2	2	
Shelby	23,084	21.2				
Smith	128,366	22.0			1	
Trinity	9,450	20.2				
Walker	41,789	24.1			1	
Waller	19,798	42.0	1		2	
Washington	21,998	22.1				
Virginia						
Accomack	31,268	36.5				
Amelia	8,405	38.2	1			
Amherst	29,122	20.5	1			
Appomattox	11,971	23.2				
Brunswick	15,632	57.4	2			
Buckingham	11,751	42.4	1			
Caroline	17,901	43.0	2	1		
Charles City	6,692	70.6	2	2		
Charlotte	12,266	38.6				
Culpeper	22,620	20.6				

TABLE D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980

State and county	Population	Percent black, 1980	County governing board	Law enforcement officials	Local school board	Other positions
Cumberland	7,881	43.6	1			
Dinwiddie	22,602	42.7				
Essex	8,864	40.0	1			
Fluvanna	10,244	29.4	1			
Goochland	11,761	36.3	1			
Greensville	10,903	56.6	1			
Halifax	30,418	39.8				
Henry	57,654	23.4				
Isle of Wight	21,603	41.1	1			
James City	22,763	28.3	1			
King and Queen	5,968	46.3				
King George	10,543	22.6				
King William	9,327	34.9	2			
Lancaster	10,129	33.2				
Louisa	17,825	32.5				
Lunenburg	12,124	39.3				
Mecklenburg	29,414	40.3				
Middlesex	7,719	29.1	1	1		
Nelson	12,204	23.9				
New Kent	8,781	26.0	1			
Northampton	14,625	49.8	1			
Northumberland	9,828	33.6				
Nottoway	14,666	39.0				
Pittsylvania	66,147	30.2				
Powhatan	13,062	25.4				
Prince Edward	16,456	37.5	3			
Prince George	25,733	29.1	1			
Richmond	6,952	31.9				
Southampton	18,731	48.0	1			
Surry	6,046	62.5	3	1		
Sussex	10,874	61.0	3			1
Westmoreland	14,041	38.0	1			

"County governing board" includes commissioners, supervisors, police jurors, etc. "Law enforcement officials" includes sheriffs, judges, constables, etc. "Local school board" includes independent school districts in Texas. School board members are not elected in Virginia. "Other positions" includes election commissioners, tax assessors, etc.

Source: Joint Center for Political Studies, *National Roster of Black Elected Officials*, vol. 10 (1981). Data on Virginia supplied by Virginia State Conference NAACP.

TABLE D.2 Hispanic Elected County Officials in Counties in Texas with 20 Percent or More Hispanic Population, July 1980

County	Total population	Percent Hispanic, 1980	Offices held			
			County governing board	Law enforcement officials	School board members	Other positions
Atascosa	25,055	47.8%			13	1
Bee	26,033	45.7	1		3	1
Bexar	988,800	46.6	1	1	33	
Brewster	7,573	43.1	3		3	
Brooks	8,428	86.0	4	1	6	4
Caldwell	23,637	33.0			1	
Calhoun	19,574	34.0				
Cameron	209,680	77.1	3	1	43	1
Castro	10,556	38.6			1	
Comal	36,446	29.4				
Crockett	4,608	50.4	2			
Crosby	8,859	37.0				
Culberson	3,315	63.4	1		2	
Dawson	16,184	37.7				
Deaf Smith	21,165	40.7			1	
Dimmit	11,367	77.8	3		11	2
Duval	12,517	85.8	2	1	18	4
El Paso	479,899	61.9	2		21	
Frio	13,785	68.4	1		8	2
Goliad	5,193	35.6			1	
Gonzales	16,883	28.8				
Guadalupe	46,708	25.4				
Hays	40,594	30.5	1		1	
Hidalgo	283,229	81.3	3	1	84	3
Hudspeth	2,728	58.2	1		5	
Jeff Davis	1,647	47.2	1		2	
Jim Hogg	5,168	90.5	4	1	3	3
Jim Wells	36,498	92.5	1		15	3
Karnes	13,593	49.9			2	
Kinney	2,279	57.5	2		2	
Kleberg	33,358	52.1	1		13	
La Salle	5,514	73.7	3		1	
Live Oak	9,606	32.0			1	
Lynn	8,605	37.9				
Martin	4,684	34.6			1	
Maverick	31,398	90.3	4		6	3
Medina	23,164	43.4			6	
Nueces	268,215	49.0	1		25	
Pecos	14,618	48.6	1		4	
Presidio	5,188	76.9	3		8	2
Reeves	15,801	62.0	3		2	
Refugio	9,289	38.3			1	1
San Patricio	58,013	46.3	1		14	
Schleicher	2,820	26.0				
Starr	27,266	96.9	4	1	14	4
Sutton	5,130	40.4	1			
Uvalde	22,441	55.2	1		1	
Val Verde	35,910	62.9	2		4	
Victoria	68,807	30.4	1		4	

TABLE D.2 Hispanic Elected County Officials in Counties in Texas with 20 Percent or More Hispanic Population, July 1980 (continued)

County	Total population	Percent Hispanic, 1980	Offices held			
			County governing board	Law enforcement officials	School board members	Other positions
Webb	99,258	98.5	4	1	18	4
Willacy	17,495	80.3	2		13	2
Wilson	16,756	36.5	1		1	1
Zapata	6,628	76.1	4		7	3
Zavala	11,666	89.0	4	1	7	3
Total			77	9	430	47

“Law enforcement officials” includes county judges only. Data on other Hispanic law enforcement officials are not available.

Source: Southwest Voter Registration Education Project, “Texas Roster of Spanish Surname Elected Officials” (July 1980).

Appendix E
The Voting Rights Act of 1965, as Amended

VOTING RIGHTS ACT OF 1965

Public Law
91-285

PUBLIC LAW 89-110, 89TH CONGRESS, S. 1504,
AUGUST 6, 1965

AN ACT To enforce the fifteenth amendment to the Constitution
of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

TITLE I—VOTING RIGHTS

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2).

Public Law
94-73

SEC. 3. (a) Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the voting guarantees of the fourteenth or fifteenth amendment (1) as part of any interlocutory order if the court determines that

Public Law
94-78

the appointment of such examiners is necessary to enforce such voting guarantees or (2) as part of any final judgment if the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2). (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Public Law
94-73

(b) If in a proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

Public Law
93-373

(c) If any proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure 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, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days

after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the first two sentences of subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the seventeen years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of seventeen years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff. No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this

Public Law
94-73
Public Law
91-285

paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2).

Public Law
94-78

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the seventeen years preceding the filing of an action under the first sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

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If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964. On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.

On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.

Public Law
94-73

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2) if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Public Law
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(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State, or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or

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interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

(f) (1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

(3) In addition to the meaning given the term under section 4(c), the term "test or device" shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term "test or device", as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall

provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968, or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualifications or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure 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, or in contravention of the guarantees set forth in section 4(f)(2), and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to ob-

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ject, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

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SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, or in contravention of the guarantees set forth in section 4 (f) (2), and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fourteenth or fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fourteenth or fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fourteenth or fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after con-

sulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Com-

mission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documen-

tary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service or process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

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(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment, section 2 of the fifteenth amendment and section 2 of the twenty-fourth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

Sec. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

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(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

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(e) (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(3) As used in this subsection, the term "votes more than once" does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 202 of this Act, to the extent two ballots are not cast for an election to the same candidacy or office.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

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(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11(a) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

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(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after

the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

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SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to,

registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such a ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(3) The term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.

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(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

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SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting

against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE II—SUPPLEMENTAL PROVISIONS

APPLICATION OF PROHIBITION TO OTHER STATES

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SEC. 201. (a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.

(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

RESIDENCE REQUIREMENTS FOR VOTING

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SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal pro-

tection of the laws that are guaranteed to them under the fourteenth amendment: and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision: nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision

after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) The term "State" as used in this section includes each of the several States and the District of Columbia.

(i) The provisions of section 11 (c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

BILINGUAL ELECTION REQUIREMENTS

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SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivi-

sion are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

(e) For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

JUDICIAL RELIEF

SEC. 204. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, or 203, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under

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this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

PENALTY

Public Law
91-285

SEC. 205. Whoever shall deprive or attempt to deprive any person of any right secured by section 201, 202, or 203 of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEPARABILITY

Public Law
91-285

SEC. 206. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

Public Law
94-73

SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section.

TITLE III—EIGHTEEN-YEAR-OLD VOTING
AGE

Public Law
94-73

ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

Public Law
94-73

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

DEFINITION

SEC. 302. As used in this title, the term "State" includes the District of Columbia.

Public Law
94-73

Appendix F
Commission Statute: Defame/Degrade Procedures

**STATUTE,
RULES, AND
REGULATIONS**

United States Commission on Civil Rights
Washington, D.C.
April 1980

A. Sections 101-06, Civil Rights Act of 1957, As Amended

[42 U.S.C. 1975-1975e]

Sections 101-06 of the Civil Rights Act of 1957, 71 Stat. 634, as amended by the Civil Rights Act of 1960, 74 Stat. 86; as amended by the Civil Rights Act of 1964, 78 Stat. 241, as amended by 81 Stat. 582 (1967); and as amended by 84 Stat. 1356 (1970); 86 Stat. 813 (1972); 42 U.S.C. 1975 (1976); and by 92 Stat. 1067 (1978).

ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

Sec. 101 (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

(42 U.S.C. 1975)

RULES OF PROCEDURE OF THE COMMISSION HEARINGS

Sec. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the *Federal Register* notice of the date on which such hearing is to commence, the place at which it is to be held, and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an open statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpoena.

(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpoena additional witnesses. If a report of the Commission tends to defame, degrade, or incriminate any person, then the report shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report. Each person so defamed, degraded, or incriminated in such report may file with the Commission a verified answer to the report not later than twenty days after

service of the report upon him. Upon a showing of good cause, the Commission may grant the person an extension of time within which to file such answer. Each answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report. Such answer shall be published as an appendix to the report. The right to answer within these time limitations and to have the answer annexed to the Commission report shall be limited only by the Commission's power to except from the answer such matter as it determines has been inserted scandalously, prejudicially, or unnecessarily.

(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without consent of the Commission such evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof,


Appendix G
Defame/Degrade Responses

Defame/Degrade Responses: Chapter 3

AFFIDAVIT OF SARAH HARRIS
REGISTRAR FOR THE CITY OF EMPORIA

As Registrar for the City of Emporia, I share office space with Mrs. Dorothy Kea, Greensville County's Registrar. Our office is located in the Greensville County Circuit Courthouse at 315 South Main Street, Emporia, Virginia. On occasion, I register County voters for Mrs. Kea when she is momentarily out of the office and she reciprocates for me. We also assist one another when there is a great rush of registrants.

Alda White's registration card shows that I registered her. I have tried to recall Miss White's registration, but I do not remember this particular registration among the many that I have done over the years. However, I can assure you that I have never been "nasty" to any applicant, that I have always been congenial towards all persons, and that I have done everything within my power to create a pleasant atmosphere for all applicants. I can only assume that Miss White misinterpreted my application procedure to be hostile, when the approach was in reality business-like. Miss White's complaint regarding my becoming more congenial towards her when I learned she was an attorney and asking about where she worked must have been done because I perceived an uneasiness on her part, and I was probably trying to make her feel more at ease, especially since the difficult aspect of the application had just been completed - the section in which the exact address and location is obtained to determine the correct election district and precinct of the applicant. A question that I may have asked that was not required on the application was merely directed at creating a more pleasant atmosphere and certainly not intended to scare off anyone from registering.



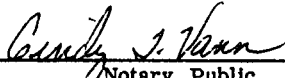
Sarah Harris

STATE OF VIRGINIA,
LAW OFFICES
VINCENT AND BLOOM
EMPORIA, VIRGINIA

COUNTY OF GREENSVILLE, to-wit:

Subscribed and sworn to before me, Cindy T. Vann, a Notary Public of
ALA for the County and State aforesaid, by Sarah Harris, this 24th day of
July, 1981.

My commission expires: 16 September 1981



Notary Public

AFFIDAVIT OF DOROTHY KEA
REGISTRAR FOR GREENSVILLE COUNTY

As County Registrar, I register Greenville County residents to vote and occasionally Emporia residents. I share an office with the Emporia Registrar, Mrs. Sarah Harris. Mrs. Harris also on occasion registers County applicants when I am not in the office. In looking at Miss White's application, I see that Mrs. Harris prepared her application. Therefore, I know nothing of this particular registration. In any event, I do know Mrs. Harris and in my years of working with her as registrar, I have never heard of her being anything less than courteous and polite to all applicants.



Dorothy Kea

STATE OF VIRGINIA,

COUNTY OF GREENSVILLE, to-wit:

Subscribed and sworn to before me, Cindy T. Vann, a Notary Public of and for the County and State aforesaid, by Dorothy Kea, this 24th day of July, 1981.

My commission expires: 16 September 1981



Notary Public

ZUCCARO RILEY PINTARD BROWN & CARBY

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

114 SOUTH WALL STREET

NATCHEZ, MISSISSIPPI 39120

JOSEPH S. ZUCCARO
WILLIAM F. RILEY
CLAUDE PINTARD, JR.
WALTER BROWN
PHILIP E. CARBY

July 3, 1981

POST OFFICE BOX 1047
601-446-6331

Mr. Louis Numez
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Numez:

The enclosed Affidavit has been executed by Mrs. Kathleen W. Cade, incorrectly addressed as Catheline Cade, but to whom you wrote as a former City Clerk of Port Gibson, Mississippi, on June 22, 1981.

Please consider this a response to your letter of June 22, 1981, and we understand that the Affidavit will be published as an appendix to your report.

Please acknowledge receipt of this letter and acknowledge the receipt of the Affidavit at your earliest convenience.

Sincerely yours,

Joseph S. Zuccaro

JSZ:daw

Enclosure

STATE OF MISSISSIPPI

COUNTY OF CLAIBORNE

Personally came and appeared before me, the undersigned authority in and for the County and State aforesaid, KATHLEEN W. CADE, who being first sworn states on oath as follows:

(1)

Affiant served as City Clerk of the Town of Port Gibson, Mississippi from 1944 to 1976.

(2)

Affiant has read certain statements provided to her by the United States Commission on Civil Rights included in a letter from said United States Commission on Civil Rights to Affiant dated June 22, 1981.

(3)

Affiant states that the allegations made by Evan Doss which relate to Affiant are untrue and incorrect and, further, said Evan Doss was not present in the period when Affiant was City Clerk.

(4)

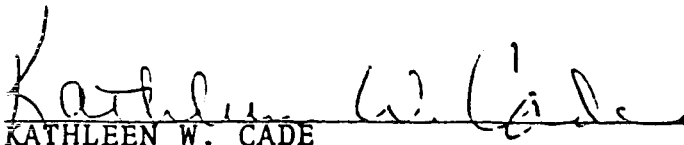
Affiant treated Whites and Blacks alike when persons attempted to register to vote in the office of the City Clerk of Port Gibson, Mississippi. At no time did Affiant intimidate any person relative to attempts for them to register to vote.

(5)


Statements attributed to Evan Doss do not pinpoint the time frame but insofar as they may relate to your Affiant, they are untrue and incorrect.

(6)

Affiant has never heard of James Miller, stated in the last paragraph of the communication as "a community leader" and, therefore, does not respond to any statements made by him.


KATHLEEN W. CADE

Sworn to and subscribed before me, this the ^{10th}~~5th~~ day of July, 1981.


Notary Public

My Commission Expires:

My Commission Expires Jan. 22, 1982.

Port Gibson, Mississippi

After reviewing appropriate sections of the report relating to Port Gibson, Mississippi, and in light of information provided by Ms. Kathleen Cade, former city clerk and resident of Port Gibson, the Commission responds as follows:

1. Ms. Cade wrote that Mr. Evan Doss was not present in Port Gibson while she served as city clerk from 1944 to 1976, thus asserting that he cannot know about the registration procedures during her appointment. According to the Joint Center for Political Studies' National Roster of Black Elected Officials, 1972-1980, Mr. Doss has been present in Port Gibson serving as the Claiborne County tax assessor since 1972.
2. Ms. Cade also wrote that she has never heard of Mr. James Miller. According to Commission interviews with Mr. Doss and Mr. Miller, Mr. Miller was a mayoral candidate in Port Gibson in 1976.

Mrs. Evelyn Segrest

P. O. Box 209 Port Gibson, MS 39150

July 9, 1981

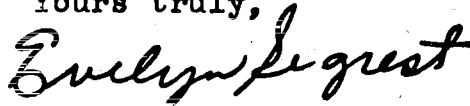
United States Commission on Civil Rights
Washington, D. C. 20425

Attention: Mr. Louis Nonez

Re: your letter 6/22/81

None of the allegations apply to me during the time I served
as City Clerk and Registrar for the City of Port Gibson,
Mississippi.

Yours truly,



Evelyn Segrest

CITY OF PORT GIBSON
MISSISSIPPI
Police Dept.

806 FARMER ST.
601-437-5101
601-437-4441

HARVEY J. JONES
CHIEF OF POLICE

JULY 14, 1981

DIRECTOR LOUIS NUNEZ
UNITED STATES COMMISSION CIVIL RIGHTS
WASHINGTON, D.C. 20425


DEAR MR. NUNEZ:

IN REFERENCE TO YOUR LETTER DATED JUNE 22, 1981 CONCERNING THE DATA THAT HAS BEEN COLLECTED IN YOUR STUDY OF THE VOTING RIGHTS ACT OF 1965, I VERY MUCH WOULD LIKE TO REPLY.

I, AS POLICE CHIEF OR AS A PRIVATE CITIZEN HAVE NEVER ON ANY OCCASION BEEN PRESENT AT CITY HALL OR ANY OTHER PLACE WHERE VOTER REGISTRATION WAS BEING CONDUCTED.

THE ALLEGATION THAT I HAVE ATTEMPTED TO INTIMIDATE ANY PERSON FROM REGISTERING TO VOTE OR VOTING IS TOTALLY FALSE.

SINCERELY,


HARVEY JONES

Port Gibson, Mississippi

After reviewing appropriate sections of the report relating to Port Gibson, Mississippi, and in light of information provided by Mr. Harvey Jones, Chief of Police, Port Gibson, Mississippi, the Commission responds as follows:

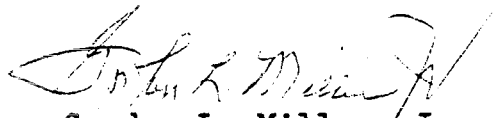
Mr. Jones wrote that the "allegation" that he intimidates is false. The report does not allege that Mr. Jones directly intimidates persons who come to register. According to individuals interviewed, it is Mr. Jones' presence in the registration office that intimidates blacks.

Georgetown County, South Carolina

July 1, 1981

Regarding the above, Mr. Morris Johnson nor any employee or member of the Commission on Civil rights has ever discussed this matter with me. The location of the registration office is a matter for the County Council to determine. All persons Black or white or whatever could register at any High School within the county and in the past at most of the banks in the county and did not have to come to the registration office in person.

Attached is a breakdown of the precincts of the county showing Blacks, whites, oriental and total. You should see by this that there has been no discrimination on my part as I approved most of the applications personally. I think that my civil rights have been abused, but since I have retired, I would prefer not to be bothered by your organization and if any more information is needed, suggest that you contact Mr. D. Z. McKenzie, Chairman of Board of Registration of Georgetown County.



Gordon L. Miller, Jr.

Office Use Only

	White	Black	Oriental	Total
Inhews	735	619		1354
Inhews Outside	285	243		528
Belhel	115	9		124
Black River	428	22		452
Brown's Ferry	98	679		777
Chopper	120	311		431
Carver's Bay	159	30		189
Folly Grove	333	122		455
Georgetown #1	724	363		1087
#2	7	432		439
#3	433	754		1187
#4	555	54		609
#6	99	138		237
#7	1	443		444
Griens	2	253		255
Levensington	804	0		804
Norville #5	1164	40		1204
Nurdello Inlet	794	214	2	1010
Nyersville	1	217		218
Palmyra Island	1346	410		1756
Penry Royal	164	58	1	223
Portersville	39	336		375
Pleasant Hill	523	244		767
Potatoes Bed Ferry	74	74		148
Rampit	310	534		844
Santee	12	527		539
Sedar Creek	248	36		284
Spring Hill	633	282		915
Trout Pond	6	80		86
Winyah Bay	467	98		565
Yauharrah	49	4		53
	10,708	7,678	3	18,339

Georgetown County, South Carolina

After reviewing appropriate sections of the report relating to Georgetown, South Carolina, and in light of information provided by Mr. Gordon L. Miller, Jr., former chairman, Georgetown County Board of Registration, South Carolina, the Commission responds as follows:

In January 1981, the Commission wrote Mr. Miller explaining the Voting Rights Study that it was undertaking, and requesting an interview about registration procedures in Georgetown County. The Commission contacted Mr. Miller by telephone to arrange a possible face-to-face interview, since the events discussed in Georgetown occurred during his appointment. He declined and informed us that he had retired as of December 31, 1980. He recommended that the Commission interview the then acting registrar.

JULY 9, 1981

ROLAND ATTAWAY, SHERIFF
JOHNSON COUNTY COURTHOUSE
WRIGHTSVILLE, GEORGIA 31096

MR. LOUIS NUNEZ
UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D. C. 20425

DEAR MR. NUNEZ:

I ACKNOWLEDGE RECEIPT OF YOUR LETTER OF JUNE 22, 1981, WHEREIN YOU TRANSMITTED A TRANSCRIPT OF ACCUSATIONS MADE AGAINST ME BY E. J. WILSON AND OTHER PERSONS WHO ARE NOT IDENTIFIED.

IN YOUR LETTER YOU SOLICIT MY RESPONSE ON THESE MATTERS REFERRED TO AND I HEREWITH FURNISH SUCH RESPONSE. THE FOLLOWING NUMBERED PARAGRAPHS ARE IN RESPONSE TO SIMILARLY NUMBERED FOOTNOTE REFERENCES CONTAINED IN THE ACCUSATION.

⁽³⁷⁾
No. 36 - THIS STATEMENT IS NOT TRUE. I WENT TO THE REGISTRATION OFFICE A VERY LIMITED NUMBER OF TIMES WHILE REGISTRATION WAS TAKING PLACE.

⁽³⁸⁾
No. 37 - BLACKS COULD NOT HAVE FELT INTIMIDATED OR AFRAID OF ME BECAUSE DURING NEARLY THE ENTIRE SUMMER OF 1980, THESE BLACKS MARCHED IN THE STREETS OF WRIGHTSVILLE, GEORGIA, IN FRONT OF MY OFFICE IN WRIGHTSVILLE, GEORGIA, CARRYING PLACARDS THAT "ATTAWAY HAS TO GO", "VOTE ATTAWAY OUT OF OFFICE". ON ONE OCCASSION, IN FRONT OF MY OFFICE DCCR, ONE OF THE ACTIVIST CALLED ME A LIAR REPEATEDLY AND IN THE END, A "LYING BASTARD". THE ABOVE LETS ME KNOW THAT THESE PEOPLE WERE NOT AFRAID OF ME IN THE LEAST.

⁽³⁹⁾
No. 38 - AS STATED ABOVE, I WAS SELDOM IN THE REGISTRATION OFFICE AND AS STATED ABOVE IF THEY HAD BEEN INTIMIDATED THEY WOULD NOT HAVE BEEN CARRYING PLACARDS AND CURSING ME DURING MOST OF THE SUMMER OF 1980.

⁽⁴⁰⁾
No. 39 - THERE WERE MANY BLACKS THAT REGISTERED TO VOTE DURING THE SUMMER OF 1980 WITHOUT INCIDENT.


PAGE 1

Nos. ⁴¹40, ⁴²41, ⁴³42, ⁴⁴43, AND ⁴⁵44 - NONE OF THIS IS TRUE. AS THE SHERIFF OF JOHNSON COUNTY, GEORGIA, I AM SUBJECT TO BE RIDING ON ANY STREET IN THE CITY OF WRIGHTSVILLE, GEORGIA, OR ON ANY ROAD IN THE COUNTY OF JOHNSON.

I WOULD LIKE TO POINT OUT THAT MY PRIVATE OFFICE IS IN THE COURTHOUSE AND JUST A VERY SHORT DISTANCE FROM THE REGISTRATION OFFICE, WHICH IS ALSO LOCATED IN THE COURTHOUSE.

I REQUEST THAT I BE ALLOWED TO GO BEFORE THE UNITED STATES COMMISSION ON CIVIL RIGHTS TO REFUTE THESE CHARGES IN PERSON. I ALSO FEEL THAT SINCE THIS IS GOING TO BE BEFORE THE CONGRESSIONAL COMMITTEE ON VOTING RIGHTS ACT, I HEREWITH REQUEST TO BE ALLOWED TO GO BEFORE THIS CONGRESSIONAL COMMITTEE. I FEEL THAT THE COMMITTEE NEEDS TO BE ENLIGHTENED AS TO THE PERCENTAGE OF THE POPULATION THAT IS BLACK, REGISTERED TO VOTE, AND VOTED IN THE 1980 ELECTION AS COMPARED TO THE REGISTRATION AND VOTING OF WHITES IN JOHNSON COUNTY, GEORGIA. I FURTHER FEEL THAT THE COMMITTEE SHOULD BE ENLIGHTENED AS TO THE NUMBER OF BLACK VOTES THAT I RECEIVED IN THE 1980 ELECTION IN JOHNSON COUNTY, GEORGIA.

VERY TRULY YOURS,


ROLAND ATTAWAY, SHERIFF
JOHNSON COUNTY, GEORGIA

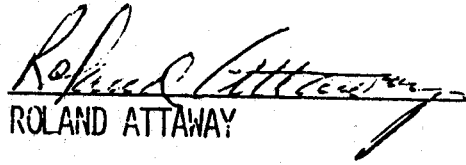
RA/LW

CC: RONALD (BO) GINN
SAM NUNN
MATT MATTINGLY
STROM THURMOND
BILLY EVANS
GOVERNOR GEORGE BUSBEE

NOTE: The numbers in parenthesis are the current footnote numbers referred to in the verified answer.

VERIFICATION

I, ROLAND ATTAWAY, SHERIFF OF JOHNSON COUNTY, GEORGIA, BEING FIRST DULY SWORN, DEPOSE AND STATE UNDER OATH THAT THE FOREGOING LETTER CONSISTING OF TWO (2) PAGES IS TRUE AND OORRECT TO THE BEST OF MY KNOWLEDGE.


ROLAND ATTAWAY

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 9th DAY
OF JULY, 1981.


NOTARY PUBLIC Notary Public, Laurens County, Georgia
My Commission Expires September 4, 1984

Defame/Degrade Responses: Chapter 4



OFFICE OF COUNTY CLERK

334.2214

PEARSALL, TEXAS 78061

July 13, 1981

MONA HOYLE
County Clerk

Mr. Michael Goldstein
Office of Program and Policy Review
United States Commission on Civil Rights
Washington, D. C. 20425

BECKY WARD
Deputy

Dear Mr. Goldstein,

This is my response to notification as of June 30th, 1981, that Commissioner Adolfo Alvarez and his wife, Lupe Alvarez were solicited by your commission, in December of 1980, in person, and by telephone, in May of 1981, to make complaints and comments to be included in a report entitled The Voting Rights Act: Unfulfilled Goals, to be issued by the U.S. Commission on Civil Rights.

As I understand from our telephone conversation on the 1st day of July, 1981, that the complaints and comments made by the Alvarezes were not sworn statements, and if I do not respond within twenty days with a sworn statement to your commission, their unsworn statements, complaints and comments will be written into your report as true facts. In other words, they were able to say anything they wanted to say without regard to the sworn truth; but I, in response must be sworn in writing or nothing I might say would be considered as the truth. Therefore, my sworn statement would obviously carry more weight than their unsworn statements.

In the first paragraph of the statement of Alolfo Alvarez, your numbers 112-113, "the registrar has been derelict in sending out absentee ballots." "The registrar is not derelict in mailing out absentee ballots of anglos".

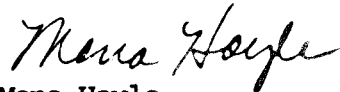
All applications received in this office by mail are file-marked with date and hour received by this office. All applications for ballots by mail are processed and the ballots mailed to the applicants on the same day the application is received. A day-today posted list for public inspection is kept on all ballots mailed out by this office. This information could have been confirmed by the poll watchers hired by Mr. Alvarez to watch in his behalf. He either did not bother to check with his hired poll-watchers or he has no regard to making his comments truthful.

In paragraph three, your numbers 114-115, Mr. Alvarez statement is in part true. Two ballots mailed to Mexican American voters requesting their ballots be mailed outside the county were sent to their Pearsall mailing addresses, instead of the mailing address outside of the County. This was a clerical error in mailing made by this office. In the November General Election this office processed about five hundred (500) applications for ballots by mail.

continue statement of Mona Hoyle- page 2

I can only conclude from the reading of the statements of Commissioner Alvarez, that because of his obvious ethnic nachisimo attitude toward any woman who might hold any official position customarily held by a man, that any woman would naturally be derelict in her duty only because she is a woman.

I am,



Mona Hoyle
County Clerk, Frio County, Texas
P.O. Box X
Pearsall, Texas 78061

STATE OF TEXAS
COUNTY OF FRIO

Before me, the undersigned authority, on this day personally appeared MONA HOYLE, County Clerk, Frio County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes there in expressed.

Given under my hand and seal of office this the 13th day of July, 1981, in Pearsall, Texas.



Notary Public, Frio County, Texas

United States Commission on
Civil Rights
ATTN: Ms. Caroline Davis Gleiter
Assistant Staff Director for
Programs and Policy Review
Washington, D.C. 20425

Re: The Voting Rights Act: Unfulfilled Goals


Dear Ms. Gleiter:

I am in receipt of your with respect to referenced matter;
receipt was received by me on June 29, 1981.

My response to Justice of Peace, Precinct No.1 Frank V. Robledo's broad generalization that women election judges have negative attitudes can only be that his reasons for making these statements are due to his ethnic macho attitude toward women who are capable of carrying out jobs as election judges - a position normally held by only men.

This is my response to the notification received from your commission about the complaint filed by Judge Robledo. I understand that this complaint would be included in a report to be issued by your commission entitled, The Voting Rights Act: Unfulfilled Goals. I also understand that this response will be published as an appendix to the report.

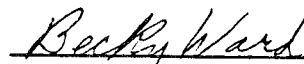
Very truly yours,


Mrs. John Stacy
Election Judge
Voting Precinct No.1
Frio County, Texas

THE STATE OF TEXAS
COUNTY OF FRIO

BEFORE ME the undersigned authority in and for the above County, on this day appeared Mrs. John Stacy known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th day of July, 1981.


Deputy County Clerk

Frio County, Texas

After reviewing appropriate sections of this report relating to Frio County, Texas, and in light of information provided by Mrs. John Stacy, the election judge at Precinct 1, the Commission responds as follows:

In the Commission's report, there were no statements made that referred to women who serve as election judges.

County of
ATASCOSA
STATE  TEXAS



JOURDANTON TEXAS

O. B. GATES
COUNTY JUDGE
Circle Drive No. 41
Jourdan, Texas 78026

July 10, 1981

United States Commission on Civil Rights
Attention: Louis Nunez
Washington, D. C. 20425

Dear Sir;

In answer to your first inquiry in letter of June 22, of only two Hispanic poll workers in at least one precinct where "half of the people that come to the polls are Mexican American."

(See attached copy of Article 10B, and also Article 8.13a
Pages 25 & 192 in the 1980-81 edition of Texas Election Laws.)

Precinct 20 was staffed with two people with Hispanic names who ably served the small amount of voters who do not speak English. Ofcourse, as you must realize, just because a person has an Hispanic name, does not mean that they do not speak English. In neither of these articles from Texas Election Laws, does it state what race an interpreter has to be. In South Texas, many people of all races --- not just Hispanics speak Spanish. Precinct 20 was in complete compliance with the law.

In reference to the Precinct Chairmen (election judges) for the primaries and general elections---as required by law Art. 13.18 of Texas Election Laws, the Democratic and Republican Precinct Chairmen (election judges) run for office every two years in their party's primaries. These Primary elections are open to all qualified voters and party members who would like to run. No Hispanics ran for office in 1980.

County of ATASCOSA

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JOURDANTON TEXAS

O. B. GATES
COUNTY JUDGE
Circle Drive No. 41
Jourdanton, Texas 78026

The majority of the people who run for election judges are old timers at running elections. They not only run primary and general elections, but also city and school elections. They have worked through the years as judges and so are prepared to run today's elections---a difficult task.

These judges also attend election schools--- on their own time and at their own expense---and then they hire the people (again dedicated workers) who work in their particular precincts.

County Commissioners' Court in turn usually appoint these people who have run for election judge and have attended the schools because they have the experience to run the complicated job of the general election.

If I may be of any assistance to you in the future, please do not hesitate to call on me.

Very Truly Yours,

O. B. Gates
Atascosa County Judge

obg/jt

cc: Mrs. Judy Wilkerson
Democratic Chairmen
Atascosa County, Texas

tions or forms furnished to the voters shall be printed in English with a Spanish translation on the face of the instrument or furnished separately along with the instrument. All ballots and ballot labels used for absentee voting shall be printed in the manner described in Subdivision 3; and whenever the Spanish translation of ballot propositions is printed separately from the ballot, a copy of the translation shall be furnished to each voter who votes by mail. In the conduct of absentee voting by personal appearance, any other materials enumerated in Subdivision 3 which are used in the voting shall be in bilingual form.

Subdivision 5. Optional use of bilingual materials. In any election held in a county to which Subdivision 1 of this section does not apply, or at any polling place where bilingual materials are not made mandatory under Subdivision 1, the governing body of the political subdivision responsible for the costs of the election may require the use of bilingual ballots and such other items of election materials enumerated in Subdivisions 3 and 4 as the governing body specifies, for any or all of the polling places as specified by the governing body; and the election officers of the political subdivision shall furnish bilingual materials in accordance with the resolution, ordinance, or other document by which their use is required. The governing body may provide for use of the bilingual materials on a continuing basis or on an election-by-election basis, as it sees fit.

Art. 1.08b, Bilingual Clerks.

It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

The presiding judge of a voting precinct in which the election materials provided in Section 8a of this code are required to be used shall make reasonable efforts to appoint election clerks who are fluent in both English and Spanish.

NOTE: The 64th Legislature enacted two Articles 1.08b with the above being a part of Senate Bill 1046 and the following Article 1.08b being a part of Senate Bill 1047.

Art. 1.08b. Verification of petition signatures.

Whenever an application or petition of a candidate or a political party for a place on a ballot, or any other instrument authorized or required by this code, contains more than 1,000 signatures or names which need verification, the officer with whom the instrument is filed (including officers of political parties as well as public officers) may employ any reasonable statistical sampling method in determining whether the instrument contains the required

this code, and no other person shall be permitted to be present while the ballot is being prepared. Before assisting the voter, the person selected shall take the following oath, which shall be administered by one of the election officers: "I solemnly swear that I will not suggest, by word or sign or gesture, how the voter shall vote; I will confine my assistance to answering the voter's questions, to stating propositions to be voted on and to naming candidates and the political parties to which they belong; and I will prepare the voter's ballot as the voter directs." The election officer who administers the oath shall cause a notation of the name and address of the person rendering the assistance to be entered on the poll list by the name of the voter who is assisted, together with a notation of the person's kinship to the voter if related as parent, grandparent, spouse, child, brother, or sister.

Subdivision 3. Where any assistance is rendered in preparing a ballot other than as herein allowed, the ballot shall not be counted, but shall be void for all purposes.

Subdivision 4. When an election officer assists a voter, the officer shall read the entire ballot to the voter unless the voter informs the officer that he wishes to vote only in certain specified races. When a voter is to be assisted by someone other than an election officer, the officer who waits on the voter shall ask the voter if he wants the entire ballot read to him, and if the voter says that he does, the officer shall instruct the person who will render the assistance that he must read the entire ballot to the voter.

Art. 8.13a. Use of English language; interpreter.

No election judge or clerk shall use any language other than the English language in performing any duty as such judge or clerk of the election, except that it shall be permissible for him to use some other language when examining, aiding, or giving instructions to a voter who does not understand the English language. Any voter unable to speak or understand the English language may communicate with the election officer in some other language, and if the election officer is unable to speak or understand the language used by the voter or if he requests that the voter communicate through an interpreter, the voter shall be entitled to communicate through an interpreter of his choice, who shall be a qualified voter in the precinct. Before acting as interpreter, the person chosen by the voter shall take the following oath, to be administered by the presiding judge: "I solemnly swear that I will correctly interpret and translate each question, answer, or statement addressed to the voter by any election officer and each question, answer, or statement addressed to any election officer by the voter." When any language other than the English language is used either by the voter or by an election officer, any election officer or any watcher

shall be entitled to request and receive a translation into the English language of anything spoken in another language.

Art. 8.14. Officers not to electioneer.

No election judge, clerk or other person connected with the holding of an election, shall on election day, indicate by words, sign, symbol or writing to any citizen, how he shall or should not vote; provided, nothing herein shall interfere with the operation of the preceding Article.

Art. 8.15. Deposit of ballot.

Subdivision 1. After the voter has prepared his ballot, he shall fold it so as to conceal the printing thereon and so as to expose the signature of the presiding judge on the back of the ballot (except that ballot cards and certain other types of ballots used in electronic voting systems should not be folded), and then deposit it in the proper ballot box.

Subdivision 2. The ballot stub to be signed by the voter and the stub box for the deposit of the signed stub, formerly provided for in this and other sections of this code, are eliminated by amendments enacted by the 65th Legislature at its regular session in 1977. All statutory provisions relating to the use of ballot stubs and stub boxes which appear in other statutes enacted at the regular session of the 65th Legislature, regardless of whether they are enacted before or after this amendment, or enacted at any prior session, except provisions relating to stubs attached to ballot cards used in an electronic voting system, are to be treated as void.

Art. 8.16. Mutilated ballots.

At any general or primary election no voter shall be entitled to receive a new ballot in lieu of one mutilated and defaced, until he first return such ballot. No one shall be supplied with more than three (3) ballots in succession, when they are mutilated or defaced. A register shall be kept by the clerks as the voting progresses of the mutilated or defaced ballots which shall be deposited in box No. 4.

Art. 8.17. Bystanders excluded.

From the time of opening the polls until the announcement of the results of the canvass of votes cast and the signing of the official returns, the boxes and official ballots shall be kept at the polling place in the presence of one or more of the judges, and watchers, if any. No person, except those admitted to vote, shall be admitted within the room where the election is being held, except the judges, clerks, persons admitted by the presiding judge to preserve order, inspectors, watchers, and children under 10 years old who accompany a parent who is admitted to vote. Notwithstanding any other provision of this code, the child or children may also be present in the voting booth or compartment while the parent is voting.

Atascosa County, Texas

After reviewing appropriate sections of this report relating to Atascosa County, Texas, and in light of information provided by O. B. Gates, County Judge, the Commission responds as follows:

Judge Gates wrote that no Hispanics ran for election judges in 1980. His explanation of the election procedures and training requirements may explain why Hispanics did not run for the office. As he explained in his letter, "The majority of the people who run for election judges are old timers" who run primary, general, city and school elections. This appears to leave little opportunity for Hispanics who have not served as election judges in the past to be elected. In addition, he wrote that the election judges attend schools "on their own time and at their own expense." Because of their relatively poor economic status, such requirements may discourage Hispanics from running for election judge.

July 5, 1981

United States Commission of Civil Rights
Washington, D. C. 20425

Sir:

Enclosed is a copy of the letter from the Commission to me regarding an incident in Bexar County, Precinct 356, during the November General Election. There is very little I can add to the facts.

First: the facts as related are essentially correct.

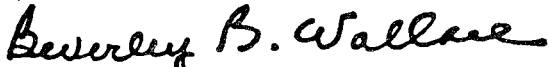
Second: the voter asked that I call the Secretary of State's office. I was glad to do so. I was told that my interpretation was not correct and that a voter with a marked ballot was usually asked to make a sworn statement that he had marked the ballot himself.

Third: I asked the voter to make such a sworn statement and sign it (Sec. 51 Texas Handbook for Election Judges and Clerks) and with no further delay the vote proceeded.

There were several ballots posted on the "pathway" to the poll, so that was not a problem in Precinct 356.

There was no abridgement of the voter's rights: no attempt was made to prevent his voting and he did in fact vote.

Sincerely,


Beverley B. Wallace
(Mrs. George M. Wallace)
8622 Bluegrass Ln.
San Antonio, Texas 78239

MARICOPA COUNTY DEPARTMENT OF ELECTIONS

102 County Administration Bldg. 111 S. 3rd Avenue Phoenix, Arizona 85003



DAVID J. NICOL, DIRECTOR

GEORGIA GUEST, ASSISTANT DIRECTOR

7 July 1981

Ms. Caroline Davis Gleiter
Assistant Staff Director
Office of Program and Policy Review
United States Commission on Civil Rights
Washington, D.C. 20425

Dear Ms. Gleiter:

The Commission's communication dated June 22, 1981, was received at this department of Maricopa County Government on June 29, 1981. This letter is our response to the claims in regard to certain procedural matters at the 1980 General Election in this county, such claims being reported in an enclosure to Mr. Nunez' letter of June 22nd.

It is claimed by your sources that some member or members serving on at least one of the 581 Polling Place Election Boards in Maricopa County, Arizona, failed to adequately instruct persons whose names were not found on the Election Register at the precinct polling place as to "what their alternatives were if they were not on the registration list".

I cannot vouch for what did or did not happen at any specific polling place on the day in question, but I can surely inform you as to what actions are taken in this jurisdiction to provide for the alleged situation. Under the provisions of Title 16, Arizona Revised Statutes, membership on the precinct election boards is divided equally between persons nominated by the political party county chairmen of the two political parties casting the most votes at the last preceding general election. Further, Arizona law requires that each election board member so appointed must attend a class of instruction covering election laws, duties of board members and proper conduct of the election. All of these classes for the more than 3,600 election board members were personally presented by the undersigned and utilized both verbal and pictorial (35MM color slides) instructions for emphasis.

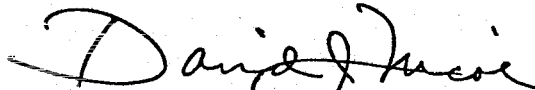
I have enclosed a copy of our publication PRECINCT ELECTION BOARD INSTRUCTIONS 1980, a copy of which is furnished to each election board member at the class. You will note a section headlined WHO MAY VOTE which commences at the bottom of page 2. These are clear-cut instructions to the election boards as to the approved manner in which to handle the person whose name is not found on the Election Register. These written instructions are always highlighted during the verbal and pictorial portion of the election board classes.

7 July 1981

Page 2

I trust the information presented in this response and the published instructions to our election board members for the 1980 elections will give the Commission a clear view of our provisions for any such situation as the one alleged by certain claimants. If there are further questions in this matter, we stand ready to assist with any such queries.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David V. Nicol".

DAVID V. NICOL
Director of Elections

DJN/ts

ENCL: as stated

cc: Bill Henry, County Recorder (incl. basic correspondence)
Chief, County Attorney Civil Bureau (incl. basic correspondence)

Precinct Election Board

Instructions

1980



MARICOPA COUNTY DEPARTMENT OF ELECTIONS

102 County Administration Bldg.

111 S. 3rd Ave., Phoenix, Ariz. 85003

FORM 21-90 6/80

INTRODUCTION

This booklet is published by the Maricopa County Department of Elections for the instruction of precinct election board members who are to serve at elections utilizing the Votomatic punch-card voting system. All board members are urged to study these instructions with great care prior to election day, as well as using this as a handy reference during the hours your election board is in session on election day.

NOTE: ANY CHANGES OR ADDITIONS OR SPECIAL INSTRUCTIONS FOR ANY ELECTION CONDUCTED UNDER THESE REGULATIONS WILL BE ISSUED TO EACH BOARD INSPECTOR.

PRE-ELECTION WEEK

The Inspector should arrange for a meeting to be held at the Polling Place on Monday immediately preceding Election Day with all members appointed to serve on the Precinct Election Board. The Inspector should make arrangements with the custodian of the polling place for the Monday meeting and for Tuesday morning. Contents of the Precinct Supply Box should be checked against the Inventory List. Missing items should be reported to the Elections Department immediately (Tel. 262-1521).

DAY BEFORE ELECTION

Many election boards will have new members who have never served before. For their benefit, the Inspector should discuss in detail the duties of each Board position.

The procedure to be followed Election Day should be fully discussed. The booths, tables and chairs should be arranged as you want them Tuesday morning. Voting booths should be placed near electrical outlets to plug in the lamps on the booth. Remember that the lamps can be connected to one another.

Check the Vote Recorder ballot pages against the Sample Ballot for the name of each candidate and the ballot position number at which he should be located on your Vote Recorders. Insert a Demonstration ballot card in each Vote Recorder and punch each possible voting position. Remove the card and destroy it. Check that the Vote Recorder is securely sealed. Return each Vote Recorder to the box in which it was delivered to you and lock this box. Remember to bring these box keys on Tuesday morning to unlock the Vote Recorder boxes, one of which will serve as your Precinct Ballot Box during Election Day.

Unseal the Ballot Card Issue Box and count the Official Ballot Cards, which are stapled together in stacks of 50 ballot cards each. A Sealing Label on the Ballot Card Issue Box will show the warehouse count of these ballot cards.

Open the front cover of each of the Poll Lists, where you will note that the first two pages comprise an Original and a Duplicate Ballot Report. Insert the back cover flap under the yellow Duplicate Ballot Report in each Poll List and enter on Line 1 of the Ballot Card Account the number of Official Ballots found in the Ballot Card Issue Box.

A list of all persons in your precinct who have applied for an Absentee Ballot will be sent to the Inspector by Special Delivery Mail, except that if you receive mail at a P.O. Box or on a Rural Route we will telephone the list to your home. If this Special Delivery List has not been received by the Inspector by Monday afternoon, please call the Elections Department on 262-1521. At the Monday meeting, write with red pen the word "absentee" in the space provided for the elector's signature on the Signature Roster, which will indicate that this voter has applied for an Absentee Ballot. (A.R.S. 550.C.) **SPECIAL NOTE:** If a voter whose name was reported to the Inspector on the Absentee List states to the Election Board that he **did not request** or **did not receive** or, in any event, **did not vote**

an Absentee Ballot, he will be allowed to vote and his ballot placed in an ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE after removing the ballot stub. See instructions for ABSENTEE APPLICANT QUESTIONED BALLOT VOTER. (A.R.S. 579.B.)

Each Election Board Inspector also will be furnished with a list which includes the name of each person who has filed as a WRITE-IN candidate for an office that is being filled by the voters of that election precinct. A.R.S. 16-312.C. requires "The election board inspector shall post the notice of official write-in candidates in a conspicuous location within the polling place." Your supplies will include a large sign headlined "WRITE-IN CANDIDATES" which you are to post prominently above these lists in the polling place. After the polls close, please place this sign in your supply box. Do not return the Write-In Lists, as they are no longer of any value to the election system after the polls have closed.

Remind all Board Members to be present at 5:30 A.M. on Tuesday morning.

ELECTION DAY

Before the Polls Open

Members of the Election Board should be at the Polling Place not later than 5:30 A.M. on Tuesday morning. (A.R.S. 16-566)

The Oath of Office on inside cover of Poll Lists shall be administered to the Board and thereafter no election officer will be permitted to leave the Polling Place until the ballots are sealed. Any elector of the precinct may administer and certify the Oath of Office. (A.R.S. 16-534.C.)

Complete the Polling Place Set-Up (A.R.S. 16-563.):

1. Be sure Vote Recorders and booths are properly arranged. Make sure the electrical cord for the lamps is plugged in and the cord is not in the walking area.
2. Post all Sample Ballots and signs provided and display the American Flag.
3. Arrange ballot box, booths and Vote Recorders in full view of the Election Board.
4. Place Signature Roster, Poll Lists and pens on table.

One precinct register should be placed outside the polling place for the convenience of the public. However, if an Extra Clerk has been authorized for your precinct and the Inspector decides that the Board Member on the Signature Roster needs assistance in looking up register numbers, this precinct register may be used for that purpose. The second precinct register is used by the Poll List Clerks to insure proper spelling of the elector's name and register number in the Poll Lists.

The ballot box should be carefully examined by the Board to make certain it is empty. Then it should be locked and opened only after the polls are closed. (A.R.S. 16-564)

POLLS OPEN

The polls are open at 6:00 A.M. The Marshal shall announce that the polls are open exactly at 6:00 A.M. (A.R.S. 16-565)

WHO MAY VOTE

No person shall be allowed to vote in your precinct polling place unless he is qualified in one of the following ways: (1) His name appears on the Precinct Register; (2) He surrenders a County Recorder's Certificate authorizing the addition of his name to the Precinct Register; or (3) He Qualifies to vote a Questioned Ballot as detailed in the Questioned Ballot

Voter section of these instructions. When a person's name is not found on your precinct register, direct this person to the 1980 Maricopa County Precinct Map and Election Information Guide to locate the proper precinct of his residence. If he is at the wrong polling place, give him the address of the polling place in his precinct from the list of polling place addresses furnished in your precinct supplies. If he resides in your precinct and **Qualifies** to vote a Questioned Ballot, follow the Questioned Ballot Voter instructions. If a solution is not found in any of these ways, refer this person to the Elections Department, 111 South Third Avenue, Phone: 262-1511. Election Board members are NOT to leave their posts to ascertain where a person is registered; that is the responsibility of the person who wishes to vote.

QUESTIONED BALLOT VOTER

A.R.S. 16-584 states: "A qualified elector not on the precinct register, upon presentation of a voter receipt and upon a determination by the election board that the address of the registrant is within the designated precinct and upon presentation of additional identification verifying the identity of the elector, shall be allowed to vote. The elector's name shall be entered on a separate signature roster page at the end of the signature roster. Voters names shall be numbered consecutively beginning with the number Q-1. The elector shall sign in the space provided. The ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name or number, the signature of the elector, and voter registration number of the elector, if available. The elector receipt card shall be attached to the envelope. Such ballot shall be verified for proper registration of the elector by the County Recorder before being counted. Such verification shall be made by the County Recorder within two days following the election, and the voter receipt card used therefor shall be returned to the elector within a reasonable time thereafter. Verified ballots shall be counted using the procedure outlined for counting absentee ballots. If registration is not verified the ballot shall remain unopened and shall be destroyed."

PROCEDURE:

1. If a person claims the right to vote in this election and his name is not on the precinct register, he **MUST** present his Voter Receipt (yellow card signed by the Deputy Registrar at time of registration) or Proof of Registration postcard (manila card mailed to voter by Maricopa County Recorder). This document **MUST** indicate that the voter is registered at an address within the election precinct and the election board **MUST** establish that the voter registered prior to the close of registration for this election (close of registration for Primary: July 21, 1980, close of registration for General: September 15, 1980). This person **MUST** present additional identification verifying that he is the person named on the registration document. If the election board is satisfied that these qualifications have been met, this person becomes a Questioned Ballot Voter and the board will proceed as follows:
2. On the Questioned Ballot Voter page of the signature roster, enter the voter's name and other identifying data as shown for regular entries on precinct registers, insofar as possible. Assign a register number to each Questioned Ballot Voter beginning with number Q-1. Have the voter sign in the appropriate space beside his name.
3. On the Questioned Ballot Envelope, complete all entries, have the voter and at least two of the three voting members of the election board sign the appropriate spaces thereon, and seal the Voter Receipt Card (or Proof of Registration card) with information side of card visible in the transparent envelope which is part of the Questioned Ballot Envelope.
4. The Poll List Clerks enter the Questioned Ballot Voter's name on each of their Poll Lists as for other voters, except that entries are in **red ink** and the register numbers are the distinctive "Q-1", "Q-2", etc., series.

5. The completed Questioned Ballot Envelope is given to the Questioned Ballot Voter together with his Notice To Voter slip. He delivers the Notice To Voter slip to the election official issuing ballots, who issues a ballot card and ballot envelope as to other voters. NOTE that the voter retains the Questioned Ballot Envelope while at the voting booth.

6. Upon completion of voting, the Questioned Ballot Voter places the ballot card in the ballot envelope and returns the ballot envelope (containing the ballot card) and also the Questioned Ballot Envelope to the election official at the ballot box. This election official removes the ballot stub, places the ballot envelope and ballot card combination inside the Questioned Ballot Envelope, seals this envelope, and deposits it in the ballot box. The stub is strung as for other electors.

7. After the closing of the polls, the ballot box is opened and all ballots are removed. Questioned Ballot Envelopes are placed UNOPENED in the Ballot Transfer Box and the total number of such ballots is entered on both copies of the Ballot Report. All other ballots found in the ballot box are processed according to instructions found in this booklet.

ABSENTEE APPLICANT QUESTIONED BALLOT VOTER

As noted earlier in these instructions, a voter whose name was reported to the Inspector on the Absentee List may nevertheless be allowed to vote by a special procedure as follows:

PROCEDURE:

1. In the precinct supply box, you will find a quantity of special envelopes called ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE. Do not confuse this envelope with the one described above for a voter whose name **did not** appear on the Signature Roster.

2. Complete all entries on the front side of the ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE, have the voter place an "X" in the appropriate block to indicate the basis for this special action, and then have the voter sign this form.

3. There will be an entry in red ink on this voter's line of the Signature Roster showing "Absentee". Using a black ink pen, have the voter enter his name directly over the red ink entry in this signature block.

4. Issue a regular Notice To Voter Slip and the ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE to the voter. He delivers the Notice to Voter Slip to the election official issuing ballots, who issues a ballot card and ballot envelope as to other voters. NOTE that this voter retains the ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE while at the voting booth.

5. The Poll List Clerks make standard entries on the Poll Lists for this voter.

6. Upon completion of voting, the Absentee Applicant Questioned Ballot Voter places the ballot card in the ballot envelope and returns the ballot envelope and also the ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE to the election official at the ballot box. This election official removes the ballot stub, places the ballot envelope and ballot card combination inside the ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPE, seals this envelope, and deposits it in the ballot box. The stub is strung as for other electors.

7. After the closing of the polls, the ballot box is opened and all ballots are removed. Both regular QUESTIONED BALLOT ENVELOPES and ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPES ARE PLACED UNOPENED in the Ballot Transfer Box. All other ballots found in the ballot box are processed according to instructions found in this booklet.

INSPECTOR

The Inspector is Chairman of the Election Board and must be consulted regarding procedure. The Inspector shall fill any vacancy which exists at the opening of the polls at 6:00 A.M., or which may occur during the day. In filling vacancies the Inspector shall appoint a qualified elector registered in the same political party as the one being replaced, since the law provides that the election board membership shall be equally divided between members of the two parties casting the highest number of votes in the state at the last general election. The Inspector will assign the work to any Extra Clerks that may be authorized. (A.R.S. 16-531, 16-533, 16-534)

The Inspector shall receive the voted ballots from the voters for the purpose of removing the ballot stub, unless this duty is assigned to another Election Official (Judge) by the Inspector. The Election Official deposits the voted ballot in the ballot box and strings the stub.

JUDGES

The Judges shall perform the following duties, as designated by the Inspector:

1. Issue ballots and initial and record the register number on the stub.
2. Demonstrate the Vote Recorder to voters entering the polling place.
3. Receive the voted ballots from the electors for the purpose of removing the stub, if assigned this duty by the Inspector.

The Judges are in charge of the Vote Recorders. If an elector needs assistance in voting, both the Judges must be present. (A.R.S. 16-513)

No elector should be issued a ballot unless he has the "Notice to Voter" slip, initialed by an Election Official. The slips shall be taken up by the Judge and a ballot then issued. No elector should be issued a ballot until a Vote Recorder becomes unoccupied.

CLERKS

During the voting period, the Clerks are to enter in both Poll Lists the names of ALL electors who vote. Both lists should be identical. Clerks will enter in the Poll Lists the consecutive number plus the name and register number of each elector who votes.

MARSHAL

The Marshal shall post three 50-foot limit notices and mark the 50-foot line in three directions from the entrance to the polling place with the marking powder included with the supplies. The Marshal shall post the sample ballots in convenient places about the polling place for the benefit of voters. He shall announce the opening of the polls at 6:00 A.M. Thereafter he shall be assigned his duties by the Inspector, which shall include preserving order at the polls. The Marshal may assume the necessary duties regarding the Signature Roster and issuance of "Notice to Voter" slips. (A.R.S. 16-535, 16-563, 16-565)

ASSISTANCE TO VOTERS

A voter may be assisted in marking his ballot if he is physically unable to do so himself. When a voter for such reason requests assistance, the two Judges, or a person of the voter's choice, shall accompany him to the Vote Recorder in the voting booth. If the Judges are assisting a voter, they shall distinctly state to the voter the names of the several candidates for each office or the written description of the ballot measure and shall ask the voter how he wishes to vote in each instance. The Judges shall thereupon operate the Vote Recorder in such fashion that the desires of the voter are carried out. Neither of the Judges shall attempt in any way to influence the voter in his choice of candidates or in his vote on any ballot measure. (A.R.S. 16-580.G., 16-513.A.4.)

WHO MAY REMAIN IN THE POLLS DURING VOTING HOURS

NO PERSON shall be allowed to remain inside the FIFTY-FOOT Limit while the polls are open except for the purpose of voting, and except the election officials and one representative and one challenger of each political organization represented on the ballot. (A.R.S. 16-515, 16-590)

APPOINTMENT OF PARTY REPRESENTATIVE

The County Chairman of each political party may, by written appointment addressed to the election board, appoint one Representative to be present in the polling place during voting hours. (A.R.S. 16-515, 16-590)

APPOINTMENT OF CHALLENGERS

The County Chairman of each party may, by written appointment addressed to the election board, designate a party agent and alternates, one of whom may be in the polling place to act as Challenger for his respective party. (A.R.S. 16-515, 16-590)

CHALLENGING VOTERS

The grounds for challenging voters are found in A.R.S. 16-591 and on the front cover of the Challenge List. DO NOT MAKE ANY ENTRIES UNLESS CHALLENGE IS MADE.

See A.R.S. 16-592 for proceedings on challenge and A.R.S. 16-593 for rules determining residence of voter upon challenge. A voter who has moved from the precinct or from one address to another within the precinct after the date of closing of registration for this election is not subject to challenge because of residence. (A.R.S. 16-125, 16-134)

A majority of the election board determines the validity of a challenge and A.R.S. 16-531.A provides that the two Judges together with the Inspector shall constitute the board of election. See also A.R.S. 16-592.

The Oath provided for in A.R.S. 16-592 is printed in the first column of your Challenge List. No other affidavit is necessary.

If a challenge is made, it is suggested that the Inspector should have the person challenged step aside and permit the other voters in line to continue to vote while the challenge is being determined.

ELECTIONEERING AT THE POLLING PLACE

A.R.S. 16-1018 makes it unlawful for any person who "Electioneers on election day within a polling place or in a public manner within one hundred fifty-feet of the main outside entrance of a polling place."

SPOILED BALLOTS

If an elector spoils a ballot card or ballot envelope while voting, he may exchange it for a replacement, except that no more than three ballots may be issued to one elector. The word "SPOILED" shall be written across the face of the ballot card or envelope which was returned for replacement, which shall then be placed in the Official Returns Envelope. (A.R.S. 16-585, 16-513.A.5)

INSPECTION OF VOTING DEVICES

Throughout the day the Inspector shall regularly examine the Vote Recorders, voting stylus, and ballot pages to see if any of these have been tampered with or damaged. If any tampering or damage which cannot be repaired or corrected by the Board is found, the voting device shall be removed from use and reported immediately to the Elections Department, **using the ELECTION HOT LINE number.**

RECEIVING THE BALLOTS

Upon receiving the voted ballot from an elector, the Election Official checks to see that the ballot card is fully inserted in the ballot envelope.

Without removing the ballot card from the ballot envelope, the Election Official folds the numbered ballot card stub several times across the pre-cut perforations and then tears off the stub. In the presence of the voter, the Election Official deposits the ballot envelope containing the ballot card in the ballot box and places the ballot stub on a stub string. (A.R.S. 16-580.E.)

CLOSING THE POLLS

1. The closing of the polls shall be proclaimed one hour and thirty minutes before closing, fifteen minutes before closing, and at the moment of closing, which is 7:00 P.M. Vote everyone who is in line at the moment of closing and allow no one to vote who arrives at the polling place after 7:00 P.M. (A.R.S. 16-565)

2. Open the front cover of **both** Poll Lists and place the back cover flap under the yellow Duplicate copy of the Ballot Report. You are now ready to make the necessary entries on the **BALLOT CARD ACCOUNT**, the **OFFICIAL BALLOT STATEMENT**, and the **CERTIFICATE OF PERFORMANCE**.

NOTE: MAKE NO ENTRIES BELOW THE SCRIBED LINE IMMEDIATELY BENEATH THE CERTIFICATE OF PERFORMANCE !!!

3. Count the number of unused ballot cards and enter that number on line 2 of the **BALLOT CARD ACCOUNT** section of the Ballot Reports. Replace all unused ballot cards in the Ballot Card Issue Box. Complete the entries on the Official Seal entitled "For Official Ballot Cards Not Issued To Voters", seal the Ballot Card Issue Box with this seal and place in the Precinct Supply Box.

4. Complete the remaining entries on the Ballot Card Account section of the Ballot Reports.

5. Unlock the ballot box and remove all regular ballots and Questioned Ballot Envelopes found therein. Place the Vote Recorders in the empty ballot box, lock, and place the key in the envelope specially marked therefor, which is then placed in the Unofficial Returns Envelope.

6. **WITHOUT OPENING ANY OF THESE ENVELOPES**, count the total number of **QUESTIONED BALLOT ENVELOPES** and **ABSENTEE APPLICANT QUESTIONED BALLOT ENVELOPES** and enter this total on line 1 of the **OFFICIAL BALLOT STATEMENT** on the Ballot Reports.

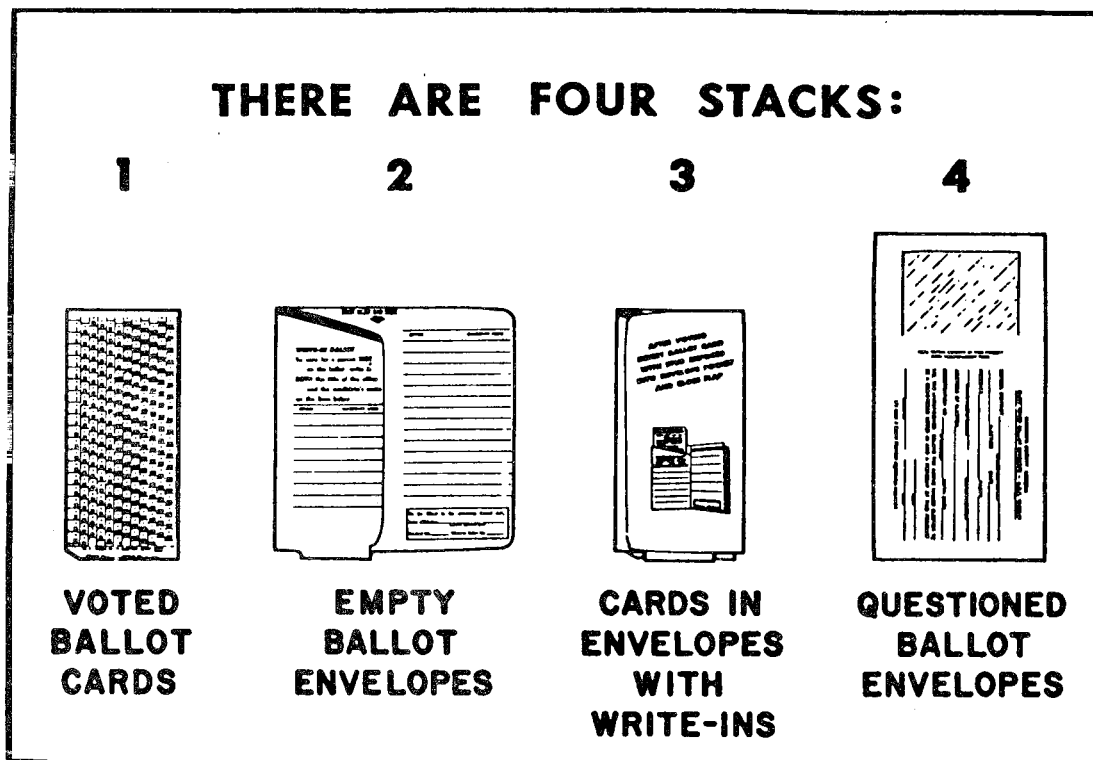
7. Place **all** of the Questioned Ballot Envelopes on Stack #4 (SEE DIAGRAM).

8. Now only regular ballot cards enclosed in ballot envelopes remain. **WITHOUT REMOVING THE BALLOT CARDS FROM THEIR ENVELOPES**, count them and enter this count on line 2 of the **OFFICIAL BALLOT STATEMENT**.

9. Open each ballot envelope without removing the ballot card and inspect the ballot envelope for WRITE-IN votes. If any WRITE-IN votes are found on a ballot envelope, close the envelope with ballot card remaining inside and place this ballot envelope on Stack #3 (SEE DIAGRAM).

10. If upon opening the ballot envelope, no write-in votes are found, separate the ballot card from the ballot envelope. Place all cards on Stack #1 and all empty ballot envelopes on Stack #2 (SEE DIAGRAM). When all contents of the ballot box have been placed in designated stacks, place all Stack #2 empty ballot envelopes in the Precinct Supply Box.

NOTE: If a ballot is folded in a manner, or bears upon it any distinguishing impression, device or mark, intended to designate or identify the person who voted the ballot, it shall be rejected. If rejected, write the reason for rejection and enter signatures of a majority of the Election Board on the back of the ballot card or envelope. Place in the Official Returns Envelope. (A.R.S. 16-605, 16-609). Report number of ballots rejected, if any, on line 7 of the Official Ballot Statement.



11. Count Write-In voted ballot envelopes containing ballot cards in Stack #3; enter count on line 3 of OFFICIAL BALLOT STATEMENT.

12. Subtract line 3 from line 2 and enter result on line 4.

13. Add lines 1, 3, and 4 and enter result on line 5.

14. Complete line 6.

15. If lines 5 and 6 of the Official Ballot Statement do not agree, use line 7 to explain the reason for this difference.

16. STOP - - - At this point in the CLOSING THE POLLS procedure, check the BALLOT REPORT entries in each of the Poll Lists to insure that each entry has been completed and that entries are identical in both copies of this report!!!
17. Complete the CERTIFICATE OF PERFORMANCE section on each of the BALLOT REPORT pages of the Poll Lists.
18. REMINDER: Make no entries below the scribed line immediately beneath the Certificate of Performance. This portion of the Ballot Report is for the use of Ballot Processing Boards at Election Central.
19. After insuring that the grey metal BALLOT TRANSFER BOX is empty, place all voted ballot cards from Stack #1 in this box.
20. Place voted Write-In ballot envelopes containing ballot cards from Stack #3 in Ballot Transfer Box. Tighten retaining plate to hold ballots securely.
21. Place Questioned Ballot Envelopes from Stack #4 in Ballot Transfer Box on top of other ballots.
22. Remove the yellow DUPLICATE copy of the Ballot Report page from each of the Poll Lists. You now have two of these. Enter the number of the plastic and wire seal for the Ballot Transfer Box on each of these reports.
23. Place one of the yellow DUPLICATE copies of the Ballot Report in the Ballot Transfer Box.
24. Seal the Ballot Transfer Box with the numbered seal. Insure that this seal is securely closed.
25. Place the other yellow DUPLICATE copy of the Ballot Report in the Payroll Voucher Envelope.
26. OFFICIAL AND UNOFFICIAL RETURNS ENVELOPES - - - These envelopes are plainly marked as what portions of the returns are to be placed in each envelope. Please read the instructions carefully before closing them. **ONLY** the Official Returns Envelope is sealed.
27. The Official Returns Envelope should be securely sealed with permanent paper seal. The Inspector and Judges must sign their names across the seal and onto the envelope.
28. Place all remaining supplies, including unused ballot cards, in the Supply Box.
29. When each of the steps in the procedure for CLOSING THE POLLS has been completed and double-checked for accuracy, the Election Board Inspector, accompanied by the Election Judge who is a member of the other major political party, IMMEDIATELY delivers the following items to the designated BALLOT RECEIVING STATION:
 - (1) The sealed BALLOT TRANSFER BOX containing the ballots
 - (2) The OFFICIAL RETURNS ENVELOPE
 - (3) The UNOFFICIAL RETURNS ENVELOPE
 - (4) The PAYROLL VOUCHER ENVELOPE
30. The remaining Election Officials dismantle the voting booths according to instructions labeled on the underside of voting booth tables. Place all voting supplies and equipment in a conspicuous place or as designated by the polling place owner.

PAY SCHEDULE

Rates of pay for Precinct Election Board members will be as follows; Inspector \$50.00, Judges, Clerks and Marshals \$45.00 and Extra Clerks \$40.00. Extra Clerks are assigned **only** by the authority of the Department of Elections. Inspectors will be informed if Extra Clerks have been assigned to any precinct. Each regularly appointed member of a Precinct

Election Board must attend an instruction class preceding election day and will be paid \$5.00 for such class attendance. If you drive your personal auto more than 25 miles round-trip to attend an instruction class, you may claim and be paid for this excess mileage. You may claim and be paid for all miles driven in your personal auto for the purpose of delivering the Official Election Returns from your polling place to the designated Ballot Receiving Station and return to your residence. Claims for mileage for Official Returns delivery should be entered on the Payroll Voucher. Mileage is payable only to the driver and not to any passengers, no matter what the passenger's election duties may be.

Information on the payroll voucher must be complete in order that the accounting department can accurately compute the exact amount due each person. Each Board Member must sign on the line indicating his assigned position. All claimants must give complete mailing address, including ZIP code. If your polling place is in a public school, please have the custodian sign the payroll voucher and enter his complete mailing address, as we generally make a payment for his support of your official activities.

On the payroll voucher, please enter the time when the last person voted and the total number of persons who voted in your precinct polling place. Show exact time when any board member had to leave his assignment and exact time when any replacement board member commenced his duties.

NO SMOKING PLEASE !!!

No smoking by any person is allowed within the polling place. Please post the NO SMOKING signs and enforce this rule very firmly! Many fine locations for polling places have been refused to us on the basis that there was smoking in connection with voting activities. We know election day is a long and difficult one, but please step outside the building for a smoke when business is slack in your precinct polling place.

TELEPHONE NUMBERS FOR ELECTION ASSISTANCE

For problems concerning the voter registration of persons residing in Maricopa County, please direct all calls to the Elections Department at 262-1511, which connects with a large bank of phones for registration matters ONLY. Other telephone numbers in the Elections Department are not connected with the voter registration files and cannot assist in these matters.

We have established ELECTION HOT LINE telephone lines to insure that there will be uncluttered direct lines for you to use in contacting the Elections Department. These numbers will be furnished to each Inspector prior to election day. Different numbers will be furnished for routine election operations and supply problems (ELECTIONS OPERATIONS CENTER) and for legal assistance problems (DEPUTY COUNTY ATTORNEY), both of these being located within the County Elections Department during election day. These are special lines installed for the exclusive use of Precinct Election Boards and these ELECTION HOT LINE numbers are not to be given to anyone other than Board Members! Our regular published telephone numbers are available to all other persons who are not officially involved in election activities.

Hondo, Texas
June 30, 1981

Mr. Louis Noney
United States Commission on Civil Rights
Washington, D.C.

Dear Mr. Noney

In response to your letter of June 22, I would like to say we have never had any problems at our poll which is South-east Hondo. Hondo has four voting precincts for general, primary and special elections. I can just speak for my precinct which treat all voters alike.

I can not speak for city elections or school elections as I have no part in them, only for my precinct in the above named elections. Race, Creed and ethnicity of all voters are treated alike.

We have not had Ball watchers at our poll for several years, the last ones being sent by the State of Texas about five or six years ago.

Hoping this will be of some help to you, I am

Sincerely,

V. H. Neumann Precinct Hondo, Texas



CITY OF HONDO

1600 AVENUE M • HONDO, TEXAS 78861

July 13, 1981

Mr. Louis Nunez, Staff Director
United States Commission on Civil Rights
Washington DC 20425

Dear Mr. Nunez:

As City Attorney for the City of Hondo, Texas, I am representing Mr. Henry Stiegler, Election Judge for the City of Hondo municipal election held April 5, 1980. Your letter to Mr. Stiegler indicated that certain allegations had been made against him in his capacity of Election Judge in that election and/or against his clerks. I will answer such allegations in Mr. Stiegler's behalf.

First, Ms. Torres alleged that more Hispanics were challenged at the polls than whites. Mr. Stiegler informs me that more Hispanics than whites came in to vote without their voter registration cards and, when their names were found on the computer printout list of voters, their addresses had changed. In other instances, their names were not on the list at all and they were required to sign affidavits of residency.

As to Ms. Torres' allegation that Hispanic candidates were challenged, Mr. Stiegler has no knowledge or recollection of any candidate's right to vote being challenged.

In answer to the example cited by Ms. Torres of an Angelo being allowed to vote without registration, Mr. Stiegler remembers that the boy was unmarried, his parents were residents of Hondo, he still claimed Hondo as his legal residence and his name was on the list showing him to reside at his parents' address. Mr. Stiegler believes he wrote "Challenge" by the young man's name when his vote was challenged by Ms. Torres.

In regard to Mr. Torres' experience at the polls, Mr. Stiegler explains that Mr. Torres was not challenged, but that the clerk was being very conscientious, double-checking everything and wanted to be certain each voter was registered before allowing him to vote. Mr. Torres was not questioned any more extensively than any other voter coming in without his registration card.

As to Ms. Torres' allegation that some of the Mexican-American voters were not being assisted, Mr. Stiegler assures me that there was a bilingual clerk available to assist anyone requesting assistance (see enclosed affidavit). Mr. Stiegler did explain to Ms. Torres that as a poll watcher, she was not to approach the voters or assist them in any manner, and was not permitted to talk to the Judge or clerks in regard to the election while the polls were open. Please be aware that Ms. Torres did not reduce her

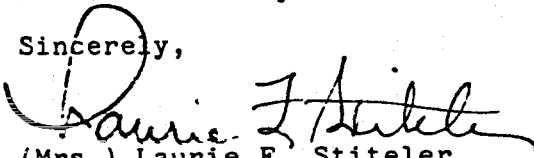
July 13, 1981
Page 2

complaint to writing and deliver a copy to Mr. Stiegler after the election in accordance with Article 3.07 of the Election Code.

Mr. Stiegler wishes me to stress the fact that no one who met the requirements of law was denied the ballot. He has always conducted honest elections and has never permitted nor practiced any form of discrimination against any person for any reason during or in conjunction with an election.

Please direct any further inquiries of Mr. Stiegler to me at the above address. We are happy to cooperate with you in this matter. Thank you.

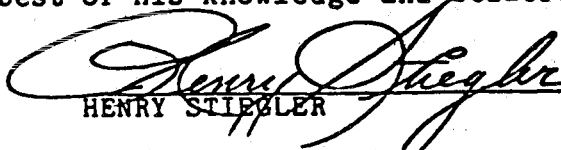
Sincerely,


(Mrs.) Laurie F. Stiteler
City Attorney

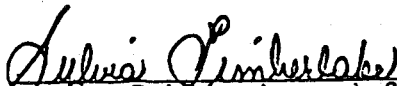
THE STATE OF TEXAS

COUNTY OF MEDINA

HENRY STIEGLER, being duly sworn upon his oath says that he has read the foregoing letter-answer to the report of the United States Civil Rights Commission and that the answers therein are true and correct to the best of his knowledge and belief.


HENRY STIEGLER

Signed and sworn to before me by HENRY STIEGLER on this the 14th day of July, 1981, to certify which witness my hand and seal of office.


Notary Public in and for Medina
County, Texas.

My commission expires:

April 30, 1985

THE STATE OF TEXAS *
COUNTY OF MEDINA *

Before me, the undersigned authority, on this day personally appeared the undersigned affiant, who, being by me first duly sworn on oath state:

I served as an election clerk in the City Election held April 5, 1980. I am of Mexican American descent and speak Spanish and English fluently. I assisted every voter who requested assistance with any phase of the voting process.

Eva D. Arcos
EVA ARCOS

Sworn to and subscribed before me by the said EVA ARCOS, this the 6th day of July, 1981.

THE STATE OF TEXAS *
COUNTY OF MEDINA *

Before me, the undersigned authority, on this day personally appeared EVA ARCOS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6th day of July, 1981.

Brenda Van Damme
Notary Public in and for
Medina County, Texas

BRENDA VAN DAMME

Printed or stamped name of Notary

My commission expires: 11/4/81

POLL LIST
 (LISTA DE VOTANTES)

Type of Election (Tipo de la Elección) <i>City</i>	Precinct No. (Num. del Precinto Electoral) <i>8</i>
Date of Election (Fecha de la Elección) <i>April 5, 1980</i>	Authority Conducting Election (Autoridad Administrando la Elección) <i>City of Hondo, Texas</i>

No. (Num.)	Name of Voter (Nombre del Votante)	Information on Person Assisting Voter (Información Acerca de la Persona Asistiendo El Votante)		
		Name (Nombre)	Address (Dirección)	Kinship (if any) (Relación)
1	Henry Barron	Eva O'Brien	1608-1625 St.	
2	Belletta Barron	Eva O'Brien	1608-16	
3	Teodora Correa	Eva O'Brien	1608-16	
4	Marcel Ramirez	Eva O'Brien	1608-16	
5	Marlene Garcia	Eva O'Brien	1608-16	
6	Minerva Rodriguez	Eva O'Brien	1608-16	
7	Manuel Torres	Eva O'Brien	1608-16	
8	Margarita A. Sanchez	"		
9	Luz A. Sanchez	"		
10	Guadalupe Sanchez	"		
11	Andrea Salazar	"		
12	Tranquila Sanchez	"		
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NOTE: RETURN THIS COPY IN ENVELOPE NO. 1

Completed Set
 No. ... of ... Pages



JAMES F. BASS, PRESIDENT
MARTIN RICHARDS, SECRETARY
ROBERT S. BLACK
HECTOR L. DIAZ
FRANK X. GARGIULO
MATTEO LUMETTA
JOSEPH J. PREVITE
ALICE SACHS
ANTHONY SADOWSKI
SALVATORE SCLAFANI

COMMISSIONERS

BOARD OF ELECTIONS
IN
THE CITY OF NEW YORK

GENERAL OFFICE, 131 VARICK STREET
NEW YORK, N. Y. 10013

Darby M. Gaudio, Chief Clerk
Manhattan Borough Office
131 VARICK STREET
NEW YORK, N. Y. 10013
924-1860

Beatrice Berger, Chief Clerk
Bronx Borough Office
1780 GRAND CONCOURSE
BRONX, N. Y. 10457
299-9017

Robert V. Kelly, Chief Clerk
Brooklyn Borough Office
345 ADAMS STREET
BROOKLYN, N. Y. 11201
522-2441

Gloria D'Amico, Chief Clerk
Queens Borough Office
42-16 WEST STREET
LONG ISLAND CITY, N. Y. 11101
392-8989

Rose K. Hyland, Chief Clerk
Staten Island Borough Office
25 HYATT STREET
STATEN ISLAND, N. Y. 10301
727-4300

June 29, 1981

United States Commission on Civil Rights
 Washington, D. C. 20425
 Att. Louis Nunez

Dear Sir,

In answer to your letter dated June 22, 1981, I wish to appraise you of the following:

(a) As I stated in my letter of September, 16, 1980 to Councilman Valentin, that I would try to change the polling place of the 16 ED, 75 AD. It is being changed this year to 364 E. 151 Street and all voters will be notified when the "Mail Check" card is mailed from our IBM dept. in NYC during the Month of August.

(b) You are aware that the Board of Elections does not appoint the Inspectors and Interpreters of Elections. They are assigned by both the Democratic and Republican Clubs. Republican and Democratic County Hdq. will again remind all District Leaders that they must put Spanish speaking Inspectors on their boards where there is more than a 5% spanish speaking voting population.

Trusting the above answers your inquiries and if at any time we can be of further help, please notify.

Very truly yours,

Chief Clerk- Bronx Boro Office

BB:ad

BETTY DOLEN
EXECUTIVE DIRECTOR
ALFRED S. PANTALEONE
DEPUTY EXECUTIVE DIRECTOR

KATHERINE L. PETROCELLI
JAMES R. MCMANUS
SENIOR ADMINISTRATORS

Defame/Degrade Responses: Chapter 5



23860

CITY COUNCIL

City of Hopewell
Virginia

15 July 1981

Louis Nunez, Staff Director
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Nunez:

In response to information received as part of your report entitled The Voting Rights Act: Unfulfilled Goals, the City of Hopewell objects to the inclusion of unverified and incorrect statements as facts or data in your report.

In particular, the City of Hopewell objects to the conclusion that "Under this election system, blacks have been reluctant to run, and Rev. Harris has been the only exception." We have often wondered why blacks have been reluctant to run when in fact some blacks have been encouraged to do so by whites. The City also takes exception to the statement that "After considerable efforts by the Hopewell Action Council, the Virginia Southern Christian Leadership Conference, and the Virginia American Civil Liberties Union, the city council voted on January 13, 1981 to put the current at-large election system to a citywide referendum to determine if the voters prefer single-member districts." The fact of the matter is that a petition was presented to City Council and, with no debate, City Council agreed and voted to put the matter to a Citywide referendum on November 3, 1981. No complaints have been received from blacks or anyone else about the location of the voting places.

As indicated in your report, by design only one black has ever run for the City Council. The only conclusion that can rightfully be drawn from his failure to be elected is that he as an individual is not electable. The report fails to state that the same individual has run for other districtwide offices and has failed to obtain the support of the black voters.

Very truly yours,

Thomas R. Blount
Mayor

TRB;CRP:bt

Hopewell, Virginia

After reviewing appropriate sections of this report relating to Hopewell, Virginia, and in light of information provided by Thomas R. Blount, Mayor of Hopewell, the Commission responds as follows:

- (1) All election data concerning Hopewell, Virginia in the text of this report are based on official election returns. Further research based on election data provided by the Virginia State Board of Elections found that Rev. Curtis Harris had run for two "districtwide" offices and did obtain significant support from black voters. In the November 5, 1974 Congressional race in the 4th District, Harris ran as an independent candidate against one Democratic and one Republican opponent. Harris outpolled his two opponents in one predominantly black precinct and finished second in Hopewell's other precinct with significant numbers of black voters. Harris received over 17,000 votes districtwide and figured prominently in the defeat of the Democratic candidate in a heavily Democratic district. According to The Almanac of American Politics, 1976 (p. 879) Harris "...cut heavily into what would have been Schlitz's [the Democratic candidate] vote in the southside counties and the Petersberg area..." In the June 8, 1976 Democratic congressional primary, Harris ran against one opponent. According to returns provided by the Virginia State Board of Elections, Harris carried the entire city of Hopewell over his one opponent.

- (2) The Commission notes that the use of the words "after considerable efforts" does not refer to the actions or deliberations of the Hopewell City Council but to the activities of the named organizations who first petitioned the Circuit Court of the City of Hopewell and then were directed by the court to the city council for appropriate action.

The Voting Rights Act: Unfulfilled Goals - Link Page

[PREVIOUS.....Part B](#)

[NEXT.....Part D](#)