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BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Honorable Gillespie V. Montgomery

Justice's Processing of Mississippi's Proposed Voting Changes

GAO compared the time Justice took to process proposed voting changes from Mississippi and all other jurisdictions covered by section 5 of the Voting Rights Act of 1965, as amended. GAO determined whether Justice used form letters asking identical questions regardless of the type of voting change when it requested additional information from Mississippi. GAO found that the time frame for Justice to process Mississippi voting changes is similar to the time frame for processing voting changes submitted by all other covered jurisdictions. When Justice cannot fully analyze proposed changes on the basis of data provided by the jurisdictions, it will usually request that jurisdictions submit additional information. Justice's decisions to request additional information from Mississippi were based on an individual case-by-case review and its letters to Mississippi, although similar in format, requested information that differed according to the circumstances of each submission.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-130961

The Honorable Gillespie V. Montgomery
House of Representatives

Dear Mr. Montgomery:

This report is in response to your August 10, 1983, request for GAO to review the manner in which the Justice Department processes submissions from the state of Mississippi and its local jurisdictions under section 5 of the 1965 Voting Rights Act, as amended. The report addresses (1) the time taken to process Mississippi's submissions compared to the time taken for other covered jurisdictions and (2) whether Justice uses form letters asking identical questions regardless of the nature of the submission when requesting additional information from Mississippi.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the date of the report. At that time we will send copies to the Attorney General, congressional committees having a jurisdictional interest in voting rights matters, and other interested parties. Additionally, we will make copies available to others upon request.

Sincerely yours,

A handwritten signature in cursive script that reads "W. J. Anderson".

William J. Anderson
Director

D I G E S T

To protect the fundamental constitutional voting rights of citizens belonging to racial or language minorities, section 5 of the Voting Rights Act, as amended, requires certain states and political subdivisions to submit proposed changes in voting laws, practices, and procedures to the Attorney General for approval prior to implementation. These changes include, among others, redistrictings and annexations (changes in the boundaries of a jurisdiction); registration, balloting, and vote counting procedures; and establishing or altering polling places and voting precincts.

Under section 5, the Department of Justice has 60 days after receiving complete data from a jurisdiction to object to a proposed voting change. If the data provided by the jurisdiction are insufficient to allow Justice to render a decision,¹ regulations permit the Attorney General to request additional information. The request must be made within 60 calendar days after receipt of the voting change submission. When the jurisdiction submits the requested data, a new 60 day time period begins in which Justice must render a decision.

GAO was requested to review the manner in which voting changes from Mississippi were handled by the Department of Justice. The requestor was primarily interested in whether

¹The process of reviewing proposed voting changes submitted by covered jurisdictions is referred to as the preclearance review or process.

Justice processed Mississippi's voting changes in the same time frame as those from other covered jurisdictions and whether Justice was using identical form letters to request additional information regardless of the type of change submitted for preclearance review. GAO did not obtain agency comments on this report.

GAO found that the amount of time used by Justice to make final decisions or request additional information on proposed voting changes was similar for both Mississippi and all other covered jurisdictions.

Justice's letters requesting additional information from Mississippi, although very similar in format, sought information that differed according to the circumstances of each submission. Further, the requests were based on an individual review of the original proposed voting change submission and a judgment as to what additional data was needed to complete Justice's statutorily required review of the voting change.

NUMBER OF DAYS ELAPSING BEFORE
JUSTICE'S RESPONSES IS
SIMILAR FOR MISSISSIPPI AND
ALL OTHER COVERED JURISDICTIONS

GAO's analysis of data obtained from Justice's computerized data base showed that Mississippi was not treated differently from other covered jurisdictions regarding the time taken by Justice to (1) request additional information or (2) render final decisions. The median elapsed days, which is one measure of the time taken to process submissions, depicts the similar processing time for Mississippi and for all other covered jurisdictions.

For voting changes received during the period from January 1, 1980, through June 30, 1983, the median time Justice took to request additional information was 59 days for both Mississippi and all other covered jurisdictions. For final decisions on proposed voting

changes during this same period, Justice took a median of 57 and 58 days for Mississippi and for all other covered jurisdictions, respectively, before rendering a decision. (See pp. 11 to 15.)

CASE-BY-CASE ANALYSES
UNDERLIE REQUESTS FOR
ADDITIONAL INFORMATION

Even though requests by Justice for additional information sent to submitting jurisdictions contained standard introductory and closing paragraphs, GAO's review showed that Justice decided if and what additional information would be needed on the basis of a case-by-case analysis. GAO reviewed case files for a randomly selected sample of changes submitted by Mississippi jurisdictions. Documents showed that Justice officials reviewed and analyzed the submitted data before requesting additional information and designed its requests to obtain data that officials judged were needed in each individual case. (See pp. 16 to 17.)

Justice sent a total of 68 letters to Mississippi and its jurisdictions requesting additional information on 148 proposed voting changes received during the period January 1, 1980, through June 30, 1983. GAO's analysis of the questions contained in the letters showed a wide variety of information was requested, including demographic material and specifics on how the voting change was to be conducted. In addition, GAO found that 76 percent of the letters specifically referred to portions of the original submission, which indicates that Justice performed a case-by-case review before requesting the additional information. (See pp. 17 to 20.)

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CHAPTER 1

INTRODUCTION

The 1965 Voting Rights Act, as amended (42 U.S.C. 1973 et seq.), was designed to prevent discriminatory practices denying U.S. citizens belonging to racial or language minorities their right to vote and otherwise participate in the electoral process equally with other citizens. The act was designed to enable the federal government to intervene directly in the electoral process of certain states and localities instead of relying on private litigation to enforce the law.

At the request of Congressman Gillespie V. Montgomery, we reviewed how the Department of Justice processes voting changes submitted by the state of Mississippi and its counties, cities, and other local jurisdictions pursuant to section 5 of the Voting Rights Act (42 U.S.C. 1973c). (See app. I). For certain covered states and political subdivisions,¹ section 5 of the act requires approval by either the Justice Department or the U.S. District Court for the District of Columbia of changes in voting laws, practices, or procedures prior to their implementation. This process is commonly referred to as preclearance review. The changes subject to preclearance review are wide ranging. For example, they encompass redistrictings and annexations (changes in boundaries of a jurisdiction); voter qualifications and eligibility; registration, balloting, and vote counting procedures; and the eligibility of or method of selecting candidates for public office.

In summary, we were asked to determine whether Justice, in administering the preclearance provisions of the Voting Rights Act, processed proposed voting changes submitted by Mississippi and its jurisdictions in the same time frame as those received from other covered jurisdictions, and whether Justice used identical form letters when requesting additional information from Mississippi and its jurisdictions.

¹The Voting Rights Act provides criteria for determining which jurisdictions are to be covered by its various provisions. For a detailed explanation of how jurisdictions are determined to be covered by section 5 and other requirements of the act see appendix II.

PRECLEARANCE RESPONSIBILITIES

The Attorney General has primary responsibility for making section 5 preclearance determinations. Under Department of Justice regulations, responsibility for preclearance determinations under section 5 has been delegated to the Assistant Attorney General, Civil Rights Division. With the exception of decisions involving objections to proposed changes submitted by covered jurisdictions, the Chief of the Voting Section of the Civil Rights Division is authorized to act on behalf of the Assistant Attorney General. Within the Voting Section, the section 5 unit is responsible for reviewing proposed changes submitted by covered jurisdictions. The section 5 unit is led by a director and deputy director, with an associate director overseeing administrative operations. If a change is found to have a discriminatory purpose or effect, the unit, through the Voting Section, recommends to the Assistant Attorney General that an objection be interposed to the change.

During the period January 1, 1980, through June 30, 1983, the Voting Section received a total of 33,457 voting changes for preclearance reviews.² As of March 1984, 917 jurisdictions in 20 states were subject to preclearance review by Justice. For nine states, including Mississippi, all jurisdictions in the states were covered. (See app. III.)

Requirements of the review process

The procedures governing administration of section 5 of the Voting Rights Act are contained in part 51 of title 28, Code of Federal Regulations (CFR). These procedures apply when a jurisdiction seeks preclearance from Justice rather than the U.S. District Court for the District of Columbia. Once a covered jurisdiction has finalized its proposed change to its voting laws, practices, or procedures, a written submission must be submitted to the Department of Justice for preclearance before the change can be implemented.

²Jurisdictions sometimes file several voting changes simultaneously in one submission package. However, for review and record keeping purposes Justice treats each voting change in the submissions separately. Consequently, we refer to individual voting changes throughout this report, unless otherwise noted.

In 28 CFR 51.25, 51.26 Justice provides for two categories of data to explain and support voting change submissions-- required and supplemental. Required data are described as information or documents which each submission should contain to enable the Attorney General to make the preclearance review. This includes such items as a copy of the document containing the proposed change; information identifying the submitting official and jurisdiction; the date the change is to take effect; and statements relating to the authority, effect, and reasons for the change. Supplemental data are described as information that, where pertinent, will facilitate the preclearance review if provided. This includes demographic data, maps, election returns, materials explaining publicity and public participation relating to the proposed changes, and identification of minority individuals and/or groups whom Justice may contact concerning the proposed changes.

By law, the Attorney General has 60 calendar days from receipt of a submission to interpose an objection to the proposed changes. If a jurisdiction materially supplements its submission or submits to Justice a second closely related submission before expiration of the initial 60-day period, 28 CFR 51.37 provides that the 60-day period will be calculated from receipt of the additional information or second submission. The day the submission is received by Justice is not counted in calculating the 60 days. If the 60th day falls on a weekend, holiday, or other nonbusiness day, the Attorney General has until the close of the next full business day to interpose an objection. Failure of the Attorney General to interpose an objection within the 60-day period constitutes preclearance so long as the proposed changes were properly submitted, although such a failure does not itself bar any subsequent civil action to enjoin enforcement of the change.

In the event that a submission does not contain sufficient information on which to base a decision, 28 CFR 51.35 provides that the Attorney General shall request from the jurisdiction such additional information as is necessary. The request must be made within 60 calendar days of receipt of the original submission and a new 60 day review period begins the day after all requested information is received. This procedure has been upheld by the Supreme Court as reasonable and valid.³ However, pursuant to a district court decision⁴ the Attorney General

³Georgia v. United States, 411 U.S. 526, 93 S. Ct. 1702, 36 L. Ed. 2d 472 (1973).

⁴Garcia v. Uvalde County, 455 F. Supp. 101 (W.D. Tex. 1978).

only postpones the 60 day review period one time by requesting additional information.

A process is provided in 28 CFR 51.32 under which jurisdictions may request expedited consideration of their submissions. According to 28 CFR 51.32, the request should explain why expedited review is needed and provide the date by which a determination is required. Although section 51.32 states that the Attorney General will attempt to meet justified requests for expedited consideration, no guarantee is made and jurisdictions are encouraged to plan for changes in advance so that expedited consideration will not be required.

Procedures for
preclearance review

Justice has a routine set of procedures for processing submissions from covered jurisdictions. When Justice receives a submission, 10 or 11 days are allotted to initial processing before an equal opportunity specialist receives the submission for review. An official receipt date is stamped on the letter and a control card is established. The section 5 associate director categorizes the voting changes by type and assigns the submission to a specialist. Control numbers are assigned for each voting change, submission data are entered into the unit's computer system, and a folder and microfiche master file are created. In addition, an abstract of the submission is prepared and included in a weekly notice of section 5 activity that is mailed to individuals and organizations who may wish to comment on the proposed changes. The submission then is assigned to an equal opportunity specialist.

A Justice official estimated that on the average, each equal opportunity specialist was responsible for about 20 voting change submissions at any one time during calendar year 1983.⁵ The official explained that submissions are generally treated on a first-in, first-out basis. Those nearing the 60-day limit for completion of review generally receive a higher priority than

⁵This is a rough estimate of specialists' workload because, according to a Justice official, workload statistics are not maintained for equal opportunity specialists. Further, during the period January 1, 1980, through June 30, 1983, work normally assigned to specialists was also handled by interns, detailees, and Voting Section attorneys.

those more recently received. The director of the section 5 unit told us he uses a manual system to monitor the status of submission reviews and due dates.

Under Justice procedures, the specialist reviews the submission and develops a factual analysis and a recommendation for its disposition. If all necessary information is not present, the specialist may make telephone calls to acquire the necessary data. The typical factual analysis includes a demographic profile of the community affected by the proposed change, an evaluation of voting patterns in previous elections, and an assessment of the change's impact on minority participation in the electoral process. Particular attention is given to a change which dilutes minority representation among the electorate. For example, an annexation change which is likely to result in diluting a minority's voting strength by more than 2 percent receives closer scrutiny than annexations with lesser degrees of dilution.

When submissions are complex, the specialist meets with the director or deputy director prior to completing his/her review to discuss the case. On the basis of this meeting, the specialist may further analyze the submission, obtain more information, or meet with a Voting Section attorney to coordinate efforts and determine whether there is litigation in process that is related to the submission. After the specialist's review is completed, his/her factual analysis and draft response letter are reviewed by the section 5 director or deputy director.

In many instances of routine changes, if the director or deputy director of the section 5 unit concludes that the submitting jurisdiction has met the burden of proof and he/she is satisfied that the proposed change does not have a discriminatory purpose or effect, he/she makes the final decision to clear the change without objection. In more complex and potentially controversial changes, such as annexations and redistrictings, the chief of the Voting Section also reviews the unit's recommendations. When the director or deputy director concludes that the burden of proof has not been sustained and is not satisfied that the change is nondiscriminatory, he/she prepares a legal analysis of the proposed change that is based on the specialist's findings and recommendations and current legal standards, including relevant court decisions. He/she then recommends to the chief of the Voting Section that an objection be made. With the section chief's views incorporated, the matter is referred to the Assistant Attorney General, Civil Rights Division, for

final action. In cases where unreconcilable controversy exists among the staff over a change, material facts for both views will be presented to the Assistant Attorney General for a decision. However, a Justice official told us that most staff disagreements are resolved within the Voting Section itself.

OBJECTIVES, SCOPE, AND METHODOLOGY

Congressman Gillespie V. Montgomery requested that we review the manner in which Justice preclears voting changes submitted by jurisdictions in Mississippi pursuant to section 5 of the 1965 Voting Rights Act, as amended. He asked that we determine whether:

- Justice invariably waits until the 60th day before requesting additional information on submissions from Mississippi.
- Justice's requests for additional information are always form letters containing identical questions regardless of the nature of the submission.
- A final decision on submissions from Mississippi is not rendered until the 60th day even when an expedited review has been requested by the submitting jurisdiction.
- The time frames used by Justice to process voting changes submitted by Mississippi are similar to or different from the time frames for processing voting change submissions from all other covered jurisdictions.

In addition, for seven cases specifically identified by the Congressman's office, we ascertained Justice's reasons for requesting each item of additional information. We identified reasons for requesting the data that were documented in the case files and discussed with Justice officials their reasons for requesting the additional information. These seven cases are discussed on pages 19 and 20 and in appendix IV.

Our audit work was performed at the Department of Justice in Washington, D.C., during the period from August 1983 through May 1984. The detailed audit work included reviewing Justice's section 5 regulations and internal procedures manual as well as interviewing officials responsible for conducting and overseeing preclearance reviews. We conducted our review in accordance with generally accepted government auditing standards.

As agreed with the requestor's office, we did not obtain official agency comments on this report from the Justice Department. However, we did discuss the information presented in the report with Justice officials responsible for the section 5 preclearance process and they agreed with the facts presented.

Source of elapsed day data

We obtained data from Justice's computerized data base to analyze the calendar days that elapsed before Justice requested additional information or reached a final decision on submitted voting changes. Voting change submissions can include from 1 to 15 or more proposed changes. Because Justice reviews each change and can reach different conclusions on them, its computerized data base yields information on the basis of individual changes rather than on submissions in total. Therefore, the statistics we obtained from Justice are based on the processing of individual voting changes. We obtained elapsed day data for (1) changes submitted by Mississippi jurisdictions and (2) changes submitted by all other covered jurisdictions. Pursuant to discussions with the Congressman's office, our analysis covered changes initially submitted during the period from January 1, 1980, through June 30, 1983. The number of changes entered into our elapsed day comparison is summarized below.

<u>Changes</u>	<u>Mississippi</u>	<u>All other jurisdictions</u>
Requests for additional information	148	1,727
Final decisions rendered	824	32,214

When Justice's 60-day period for requesting additional information or rendering final decisions ends on a weekend, holiday, or other nonbusiness day, the deadline extends to the close of business on the following work day. In such instances, we treated the time frame as 60 days in computing elapsed day figures.

With regard to the accuracy of Justice's data base, we recommended in a 1978 report that the Attorney General make necessary corrections in the data base and increase its use in

the preclearance process.⁶ Appropriate actions were taken, and in December 1983 we concluded that Justice had complied with our recommendation.⁷ Equal opportunity specialists use the data base in developing their factual analyses and errors they may find are corrected. As Justice prepared to make data available to us, an official also reviewed the data base and made additional corrections to the data. Although some errors nevertheless remained in the data base, manual calculations we made showed that the errors did not materially affect the statistics used in this report.

Selection of sample for expedited review requests

Because Justice's computerized data base does not identify if the submitting jurisdiction requested an expedited review, we used Justice's weekly notice letter to interested parties which identifies submissions requesting expedited reviews. We agreed with the requestor's office to review the submissions requesting expedited review received during the period from January 1 through June 30, 1983. Due to limitations in the accuracy of the number of changes listed in the weekly notice letters, we were able to use them to identify submissions, but not all changes for which expedited reviews were requested. Therefore, the statistics used in this analysis are on the basis of submissions rather than for individual voting changes.

During the period January 1 through June 30, 1983, Mississippi jurisdictions requested expedited reviews for 17 submissions. All other jurisdictions in the aggregate requested expedited reviews for a total of 318 submissions. We analyzed all 17 submissions from Mississippi and randomly sampled 68 of the 318 submissions from other jurisdictions. Our sample was of sufficient size to project at a 95 percent confidence level

⁶Voting Rights Act--Enforcement Needs Strengthening (GAO/GGD-78-19, Feb. 6, 1978).

⁷Justice Can Further Improve Its Monitoring Of Changes In State/Local Voting Laws (GAO/GGD-84-9, Dec. 19, 1983).

within plus or minus 4.5 days of the median time for the universe of 318 submissions.⁸ When we had obtained the elapsed day data, we tested whether a statistically significant difference, at the .05 level, existed in the median times taken to reach final decisions on Mississippi's and all other covered jurisdictions' submissions for which expedited reviews were requested.

Sampling and analysis related
to the use of form letters

In order to determine whether form letters containing identical questions were used whenever additional information was requested, we analyzed the types of information that Justice requested from Mississippi jurisdictions. In total Justice sent 68 letters requesting additional information on 148 changes received during the period from January 1, 1980, through June 30, 1983. We reviewed all 68 letters and categorized the types of data requested.

In addition, on the basis of a sample of 89 of the 148 voting changes, we ascertained from case files whether voting change submissions were reviewed and analyzed before Justice requested additional information from Mississippi or its jurisdictions. Our sample was statistically valid at a 95 percent confidence level, with a 3 percent error rate.

⁸The sample was originally designed to project the mean at a 95 percent confidence level within plus or minus 3 days of the mean for the universe of 318 submissions from other covered jurisdictions. Because the data obtained from the sample were shifted toward one end of the range, we chose the median as the best measure characterizing the distribution.

CHAPTER 2

MISSISSIPPI'S PROPOSED VOTING CHANGES

ARE PROCESSED SIMILARLY TO THOSE OF

OTHER COVERED JURISDICTIONS

Justice took about the same amount of time to request additional information or render final decisions on proposed voting changes submitted by Mississippi and its jurisdictions as it took to process changes submitted by other jurisdictions. In addition, Justice's requests for additional information to enable it to fully evaluate voting changes submitted by Mississippi jurisdictions were based on a case-by-case review of the information originally submitted by the jurisdictions. Although the letters requesting information were very similar in format, they asked for information that differed according to the circumstances of each submission.

JUSTICE'S PROCESSING OF MISSISSIPPI'S VOTING CHANGES TOOK NO LONGER THAN FOR OTHER COVERED JURISDICTIONS

Mississippi was treated similarly to all other covered jurisdictions in the time elapsing before Justice decided that additional information would be needed in order to make pre-clearance decisions. For voting changes received during the period from January 1, 1980, through June 30, 1983, Justice took a median⁹ of 59 days to request additional information from Mississippi and all other jurisdictions. The range of times taken to request additional information was 1 to 60 days for both Mississippi and all other jurisdictions. The median days taken to make final decisions on voting changes received during this period were 57 for changes from Mississippi and 58 for changes from all other covered jurisdictions. The range for final decisions applying to all jurisdictions was 0 to 60 days, with 0 days occurring when Justice sent a reply the same day a

⁹The median is one measure of the average and is preferable to the mean when characterizing a distribution of values that are skewed, or shifted, toward one end of the range. The median is the point above and below which half of the observed values fall.

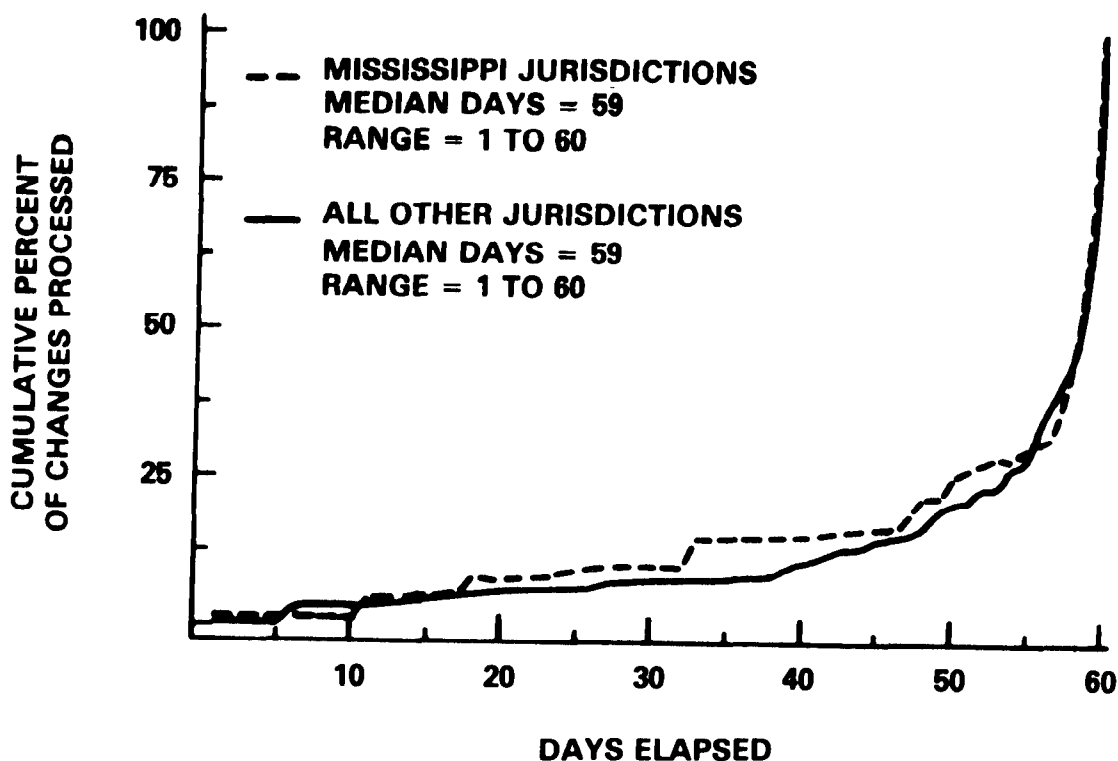
submission was received. When submitting jurisdictions requested an expedited review of their voting changes during the period from January 1 through June 30, 1983, Justice took a median of 57 and 56 days to make final decisions for submissions from Mississippi and all other jurisdictions, respectively. The range of times involved in processing submissions when expedited review was requested was 0 to 60 days for Mississippi jurisdictions and 4 to 60 days for all other covered jurisdictions.

Justice officials told us that the lengthy time frames for acting on proposed voting changes were due principally to

- the growth in preclearance workload, with the number of voting changes submitted for review increasing from 7,340 in 1980 to a peak of 14,287 in 1982; and
- Justice's policy of making only one request for additional information, thoroughly analyzing the initial submission, and allowing time for interested parties to submit their comments on proposed voting changes.

Elapsed days prior to requests
for additional information were
similar for Mississippi and
other jurisdictions

Analysis of data obtained from Justice's computerized data base showed that Mississippi was not treated differently from other jurisdictions regarding the time taken to request additional information. For changes received during the period January 1, 1980, through June 30, 1983, Justice requested additional information on 148 voting changes submitted by Mississippi and its jurisdictions and on 1,727 voting changes submitted by all other jurisdictions. As shown on the next page, the median number of days Justice took to request information was the same for Mississippi and all other jurisdictions in the aggregate.



In addition to showing similar response times for Mississippi and all other jurisdictions, the graph shows that regardless of the jurisdiction making the submission, Justice usually took 56 to 60 days to request additional information. For example, 30 percent of Justice's additional information requests to Mississippi jurisdictions were sent within 55 days of the submission while 70 percent were sent in the last 5 days of the statutory limit of 60 days.

The 148 changes from Mississippi for which Justice requested additional information covered 11 different types of voting changes. The number of changes by type, as well as the median and range of days elapsing before Justice requested additional information are summarized on the next page.

<u>Type of change</u>	<u>Number of changes</u>	<u>Median days</u>	<u>Range</u>
Redistrictings	54	59.5	1 to 60
Polling places	29	58.0	11 to 60
Precinct changes	22	59.0	11 to 60
Purge/reidentification	15	59.0	43 to 60
Annexations	12	56.5	33 to 60
Other	8	60.0	58 to 60
Election methods	3	60.0	52 to 60
Incorporations	2	56.0	52 to 60
Special elections	1	52.0	-
Registration procedures	1	59.0	-
Voting methods	1	50.0	-
Total	<u>148</u>		

Redistrictings comprised the greatest number of changes for which more information was requested. This is consistent with Justice officials' explanation that more complex submissions, such as redistrictings, lead to many requests for information and that due to population changes identified in the 1980 census a large number of redistricting changes were submitted during the period we studied.

Pursuant to one of the requestor's interests, the following table compares how long Justice took to request additional information on proposed voting changes from the state of Mississippi versus its local jurisdictions.

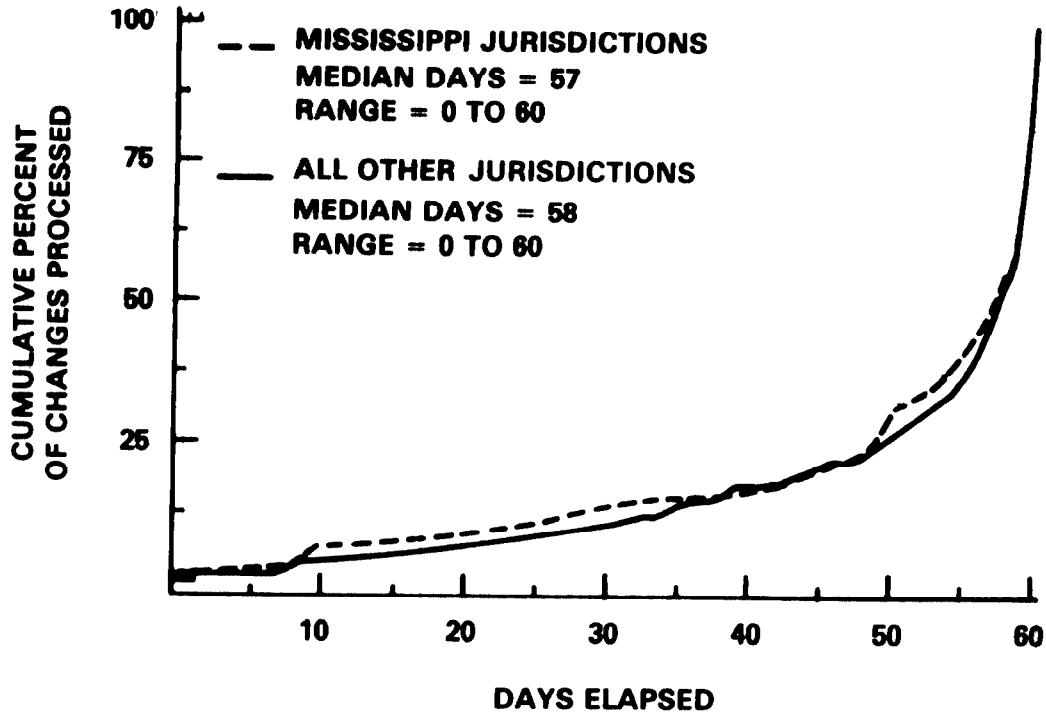
	<u>Number of changes</u>	<u>Median days</u>	<u>Range</u>
State of Mississippi	7	60	55 to 60
Local jurisdictions	141	59	1 to 60

As the table shows, the median days taken by Justice before requesting additional information were nearly the same for the state and its jurisdictions.

Final decisions are rendered in the same general time frame for Mississippi as for other jurisdictions

Regardless of whether Mississippi or other jurisdictions were involved, approximately the same time elapsed before Justice reached a final decision on the proposed voting changes.

As shown by the median elapsed days, Justice took slightly longer to make decisions on changes from jurisdictions other than Mississippi than it did for Mississippi's changes. Justice made final decisions on 824 changes from Mississippi and 32,214 changes from all other states which were received during the period from January 1, 1980, through June 30, 1983. A graph of response times and the median and range of days that elapsed prior to Justice's final decisions are shown below.



The graph shows that Justice generally took close to the statutory time allowed (60 days) prior to making final decisions both for Mississippi jurisdictions and all other jurisdictions. The ranges shown above begin at 0 days because in certain circumstances, Justice sent out a final decision on the same day the submission was received. A Justice official explained that this usually resulted when Justice had communicated extensively with a jurisdiction that had been in the process of revising a previous submission.

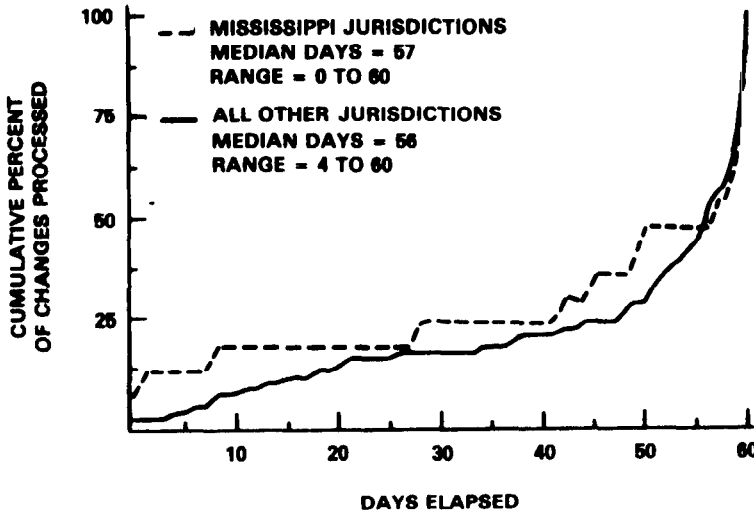
The requestor was also interested in a comparison of final decision times for proposed changes from the state of Mississippi and its local jurisdictions. Of the 824 voting changes received from Mississippi during the period studied, 37

were from the state government and 787 were from local jurisdictions. Justice took the same median number of days to render final decisions on changes from the state of Mississippi and from its local jurisdictions as shown below.

	<u>Median days</u>	<u>Range</u>
State of Mississippi	57	0 to 60
Local jurisdictions	57	1 to 60

Requests for expedited reviews

A comparison of the time taken to process voting change submissions when Mississippi and other jurisdictions requested expedited reviews showed similar time frames.¹⁰ During the period January 1 through June 30, 1983, Mississippi or its jurisdictions requested expedited reviews for 17 submissions while all other jurisdictions requested expedited reviews for 318 submissions. A review of all 17 Mississippi submissions and a random sample of 68 submissions from other jurisdictions showed the following elapsed days to handle the expedited requests.



¹⁰Jurisdictions generally request expedited reviews for submissions which are made up of one or more voting changes. However, Justice does not identify the individual changes for which expedited reviews are requested. Consequently, the time frame analysis on expedited requests was conducted on a submission basis.

The graph illustrates that when expedited reviews were requested, Justice processed submissions from Mississippi and its jurisdictions in the same time frames as it did for other jurisdictions. The median for Mississippi's submissions when expedited reviews were requested was 57 days and for all other jurisdictions the median was 56 days. Because we sampled submissions from all other jurisdictions, we tested the significance of the difference between these medians and found that the difference was not statistically significant at the .05 level.

REQUESTS FOR ADDITIONAL INFORMATION
BASED UPON AN ANALYSIS OF
EACH SUBMISSION

Justice uses a standard format in its letters to request additional information which can give the impression that a standard, pro forma request is always made. However, an analysis of Justice's requests for additional information from Mississippi jurisdictions showed that (1) they were based on a review of the material submitted by the jurisdiction regarding the proposed voting changes, and (2) they contained a wide variety of information requests, many of which were tailored to the specific proposed voting change. The results of our analyses indicated that Justice's requests for additional information from Mississippi jurisdictions were based on individual case reviews and judgments regarding what data was needed to complete the preclearance reviews of the individual voting change submissions.

Case-by-case analysis precedes
requests for additional information

On the basis of a random sample of 89 of the 148 changes submitted by Mississippi jurisdictions for which Justice requested additional information, we determined from documents in the case files that a review of the original submission had been conducted prior to Justice's requesting additional information. On the basis of our random sample we were able to project with 95-percent certainty that at least 97 percent of all 148 changes for which additional information was requested were subject to a case-by-case review.

Justice's procedures require the equal opportunity specialists to develop a factual analysis of each voting change submission. In developing an analysis of the case, the specialist reviews the jurisdiction's submission plus, when necessary, reviews prior submissions and current census data, discusses the submission with jurisdiction officials and minority groups or individuals, and studies pertinent litigation. The need for and types of data to be requested are identified through the specialist's review and/or during supervisory reviews of the specialist's factual analysis of the proposed voting change submission.

A review of the case files showed that a written factual analysis of the submission was prepared prior to each request for additional information. The analysis contained a summary of the changes and, when possible, an explanation of their potential impact. The need for additional information was identified either in the specialist's factual analysis or in supervisory reviews of it. In addition, our analyses showed that for 69 of the 89 voting changes the specialists contacted minority groups or individuals to obtain their views and other information.

On the basis of our sample, we projected with a 95 percent confidence level that Justice followed a case-by-case review procedure for at least 97 percent of the changes submitted by Mississippi. In our opinion, Justice's decisions to request additional information from Mississippi and its jurisdictions were made on the basis of analyses of each submission, often after contacting minority groups and individuals.

Requests for additional
information contain case
specific questions

In total, Justice sent 68 letters to Mississippi jurisdictions regarding changes received during the period from January 1, 1980, through June 30, 1983, and requested additional information on 148 voting changes. The table on the following page categorizes the types of information requested by Justice from jurisdictions in Mississippi as supplemental information, if specified in the CFR, and as other information, if not specified in the CFR.

<u>Information requested</u>	<u>Number of request letters asking for data (note a)</u>
<u>Supplemental</u>	
Demographic data	41
Election returns data	39
Maps	38
Evidence of public notice	28
Evidence of public participation	28
Minority contacts	13
<u>Other</u>	
Miscellaneous	50
Information on alternative plans	36
Information on minority input	34
Criteria used to make decision	32
Specifics on how the change will be conducted	26
Miscellaneous statistics and maps	21
Responses to allegations	14
Clarification of the submission data	8

a Because letters contained requests for several types of information, the numbers listed exceed the total of 68 letters sent by Justice to Mississippi and its jurisdictions.

Information classified under the supplemental category is listed in 28 CFR 51.26. As indicated in the CFR, the providing of such information in the jurisdiction's original submission is optional, although it is stated that providing supplemental information, especially for complex changes, will facilitate Justice's review. The table above shows that the most frequently requested supplemental data pertains to demographic material, election returns, and maps. Justice officials told us that supplemental information is usually pertinent to reviewing changes, particularly the more complex changes, such as redistrictings. Although these officials had no statistics, they estimated that most jurisdictions provide the supplemental data in their initial submissions. However, when it is not supplied and if the specialist can not find it elsewhere, it is normally requested from the submitting jurisdiction.

The information requested under the "other" category is not specifically listed in the CFR. All of the letters to Mississippi and its jurisdictions included a request for "other" information. Categorizing the requested data into broad

descriptive categories showed that besides miscellaneous information, the most frequently requested "other" information pertained to alternative plans considered, minority input in developing changes, and criteria used to make decisions.

For both the supplemental and other information, the phrasing of many questions contained in the letters reviewed was case specific. For example, 52 of the 68 letters, or 76 percent, contained one or more requests for information that specifically referred to the submission. Listed below are examples of items requested that specifically refer to the submission.

--"A copy of the tentative plan referred to on pages two and three of your resolution. Include maps and population statistics, by race. Indicate what changes, if any, were made before the plan was adopted. Explain why such changes were made." (Underscoring provided.)

--"Description of the methods to be used to inform illiterate voters of their reregistration, new voting precinct and/or new polling place. (We note that your submission indicates that voters affected by the redistricting will be transferred administratively by the county registrar.)" (Underscoring provided.)

--"We note that two sets of Exhibits marked A-D were provided, and that no explanation or demographic statistics was included on the maps which are marked Exhibits A-D. Please provide an explanation of these exhibits and the appropriate demographic data." (Underscoring provided.)

--"In addition, it has been alleged that this change will place a hardship on voters in this precinct and that there is an alternative location, [an individual's] property (a small building), that could be used. Please provide any comments regarding this allegation and the use of [the individual's] property as a polling place." (Underscoring provided.)

Finally, our review of seven voting change submissions specifically identified by the requestor's office as being of special interest also showed that individual determinations were made regarding the information to be requested from jurisdictions. In each case the need for additional information was supported by documents contained in the case files or by reasons

Justice officials explained during discussions with us concerning the cases. Appendix IV contains detailed summaries of the seven voting change submissions, the data requested, and the reasons for requesting it.

In total, our analysis showed that Justice's requests for additional information from Mississippi jurisdictions were based on an individual review of the initial submission by an equal opportunity specialist and approval by a supervisor. The types of information requested included those specified in the CFR as supplemental information as well as other information tailored to the individual voting change submission. Therefore, in our opinion, the additional information requested from Mississippi jurisdictions on proposed voting changes was based on an individual case review and judgments by Justice officials regarding the data needed to complete the preclearance review process mandated by the Voting Rights Act.

CONCLUSIONS

Justice took about the same number of days to request additional information and/or render final decisions on Mississippi's voting changes as it did for those of other jurisdictions. In addition, our analysis of Justice's requests for additional information from Mississippi jurisdictions showed they were based on case-by-case reviews and judgments as to what additional data was needed by Justice in order to complete its preclearance review. Overall we found no evidence that Mississippi was being treated differently from other jurisdictions as it relates to the time to render final decisions or request additional information.

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August 10, 1983

Honorable Charles A. Bowsher
Comptroller General
General Accounting Office
Suite 7000B
441 G Street, N. W.
Washington, D. C. 20548

Dear Mr. Bowsher:

I would like to officially request an investigation by the GAO into the practices of the Voting Rights Section of the Civil Rights Division of the Department of Justice as they relate to the State of Mississippi.

I am aware that a report will soon be released on the general subject of the Voting Rights Act, and some of the issues in which I am interested will be addressed in this report. However, I am interested in a more detailed report geared specifically to the State of Mississippi.

I would like the report to cover the years 1980 through the current time and to deal specifically with the manner in which submissions from the State of Mississippi and local units of government in Mississippi have been handled.

It has been my experience that the Department of Justice invariably waits until the 60th day to request additional information on any submission from Mississippi and that this request is always a form letter containing identical questions no matter what the nature of the submission might be. I would like to know if this has been a standard practice in handling submissions from all states or whether it is a practice used only when handling submissions from Mississippi. The main reason for this aspect of the study is to determine if the Department of Justice is using dilatory tactics when handling submissions from Mississippi.

It has also been my experience that a final decision on any submission from Mississippi is never rendered until the 60th day even when an expeditious review has been requested. I would like to know if this practice has been followed in reviewing submissions from other states or if this is a practice used only with submissions from Mississippi.


Page Two
August 10, 1983

I would also appreciate being afforded briefing reports on the progress of the investigation and would note that the final product of the GAO investigation will be determined as the information is developed.

Because of the importance of this follow-on investigation geared expressly to the State of Mississippi, I would appreciate your letting me know as to when I might expect a final report. If you should need further information of any clarification of the scope of the investigation, please contact my Administrative Assistant, Andre Clemandot, Jr.

I will certainly appreciate your expeditious cooperation in this request.

Sincerely,


GILLESPIE V. MONTGOMERY
Member of Congress

GVM:nm

CRITERIA THAT IDENTIFIES
COVERED JURISDICTIONS

The Voting Rights Act's special and minority language provisions apply to states and localities for which statutorily required determinations have been made and published in the Federal Register. Due to 1970 and 1975 amendments to the 1965 act, there are now three statutory criteria provided in section 4(b) for determining whether the prohibitions provided in section 4(a) and the section 5 preclearance requirements apply to a jurisdiction. Both the Attorney General and the Director, Bureau of the Census, make determinations under this section. A fourth criterion contained in section 203 pertains only to coverage under the act's bilingual provision and to whether a jurisdiction may conduct an election only in the English language. The determination of section 203 coverage is made solely by the Director, Bureau of the Census.

The four criteria used in making the determinations are:

1. The jurisdiction maintained on November 1, 1964, a test or device as a condition for registering or voting, and less than 50 percent of its total voting age population were registered on November 1, 1964, or voted in the 1964 presidential election.
2. The jurisdiction maintained on November 1, 1968, a test or device as a condition for registering or voting, and less than 50 percent of the total voting age population were registered on November 1, 1968, or voted in the 1968 presidential election.
3. The jurisdiction maintained on November 1, 1972, a test or device as a condition for registering or voting, and less than 50 percent of the citizens of voting age were registered as of November 1, 1972, or voted in the 1972 presidential election. (A test or device automatically exists if the jurisdiction provided registration, voting, or other electoral process materials only in English when more than 5 percent of the citizens of voting age in the jurisdictions were members of a single language minority.)

4. More than 5 percent of the citizens of voting age in the jurisdiction are members of a single language minority group, and the illiteracy rate of such persons as a group is higher than the national illiteracy rate.

Once it is determined that a jurisdiction falls within one or more of these statutory criteria, the coverage is automatic.

JURISDICTIONS SUBJECT TO THE PRECLEARANCE REQUIREMENT
OF THE VOTING RIGHTS ACT

<u>State</u>	<u>Total number of covered jurisdictions</u>	<u>Jurisdictions covered under the minority language provisions</u>
Alabama	statewide	none
Alaska	statewide	statewide
Arizona	statewide	statewide
California*	4	3
Colorado*	1	1
Connecticut**	3	none
Florida*	5	5
Georgia	statewide	none
Hawaii*	1	none
Idaho*	1	none
Louisiana	statewide	none
Michigan**	2	2
Mississippi	statewide	none
New Hampshire**	10	none
New York*	3	2
North Carolina*	40	1
South Carolina	statewide	none
South Dakota*	2	2
Texas	statewide	statewide
Virginia	statewide	none

* Coverage applies to counties.

** Coverage applies to jurisdictions smaller than counties, such as towns.

DETAILED SUMMARY OF SEVEN VOTING
CHANGE SUBMISSIONS FOR WHICH JUSTICE
REQUESTED ADDITIONAL INFORMATION

The Congressman's office identified seven voting change submissions for which Justice had requested additional information from Mississippi jurisdictions for which he requested a specific analysis. The additional information requested for these submissions and Justice's reasons for requesting the information follow.

Jones County

Jones County submitted supervisor and court redistrictings to Justice in January 1983. The supervisory redistrictings were due to population changes shown in the 1980 census. The court districts were reduced from five to three in compliance with a 1981 Mississippi law revising the criteria for calculating the number of court districts in each county.

In reviewing the original submission, Justice officials found that some data were inconsistent and that several items of information listed as supplemental in the CFR would be needed before the preclearance review could be completed. In addition, Justice received allegations from a minority group that the process used in developing the redistricting plans did not properly take minority views into account.

Specifically regarding the proposed court districts, Jones County had chosen to make the three new districts coterminous with its election districts for the Mississippi House of Representatives. The latter districts had been precleared by Justice as part of Mississippi's overall state redistricting plan submitted after the 1980 census.

Nevertheless, Justice officials believed an analysis of the court redistrictings was needed, primarily to determine whether minority voting strength would be inappropriately diluted. For the previously precleared state legislative redistricting plan, tradeoffs in the voting strength of minorities could be considered across counties. However, dilution of voting strength for the court redistrictings had to be considered solely within the county's boundaries and in relation to the particular criteria used by the county in deciding upon the new court boundaries.

In March Justice officials requested additional information. The following are the information requested and the reasons for the request.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. Total population and registered voter statistics, by race, for the proposed supervisor districts, using corrected 1980 Census data. Total population and registered voter statistics, by race, for each voting precinct, before and after the proposed change.	To determine whether minorities were affected by the change, especially if their voting strength was decreased. Data originally provided by the county were inconsistent.
2. Maps of existing and proposed court districts and voting precincts.	To determine whether boundaries followed natural or logical lines, or in some manner adversely affected minority voting opportunities.
3. Election returns, by voting precinct, for each supervisor and court election since November 1964 in which a minority participated as a candidate. Registered voters, by race, for each voting precinct during these elections.	To determine whether voting patterns followed racial lines.
4. Explanation of criteria used in determining boundaries.	To determine if the criteria were discriminatory or if the plans deviated from the criteria in a discriminatory manner. A minority group had alleged that several minority precincts were inappropriately split by the new supervisory boundaries.

<u>Information requested</u>	<u>Reason for requesting the information</u>
5. Explanation of minority input in formulating plans.	To determine whether the process for developing the plan was open to minority participation and the plans adequately responded to the concerns of minorities. A minority group had alleged that it was excluded from deliberations on the new plan.
6. Copies of all alternate plans considered and reasons for rejection.	To gauge responsiveness to minority concerns and whether plans existed which would have more adequately reflected minority voting strength.
7. Steps taken to provide blacks an opportunity to elect members of their choice. Allegedly, no black had ever served on the board of supervisors.	To determine whether the jurisdiction had taken steps to assure that minorities would have adequate opportunity to elect candidates of their choice.

When the requested information was received in May 1983, Justice completed its analysis of the Jones County submission. In July 1983, Justice interposed an objection to the proposed supervisory districts but precleared the proposed change for the court districts.

Smith County, Town of Raleigh

In mid-1981 the town of Raleigh wrote to Justice requesting information on how to obtain preclearance for reregistering the town's voters. However, this communication does not appear in Justice's preclearance file; nor does a September follow-up letter from the town's mayor. A series of letters and telephone calls ensued before an initial submission from Raleigh was received by Justice on February 26, 1982. During one of these telephone calls preceding Raleigh's submission, the director of the section 5 unit explained to the town's attorney the basic information that would be required for a preclearance review.

When Justice officials reviewed the February submission, however, they determined that additional information would be needed before they could complete their preclearance review. By letter dated April 27, 1982, Justice requested additional information from Raleigh. Listed below are the items of information requested and the reasons Justice asked for the information.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. Details regarding when and where voters would be able to reregister.	To determine whether reregistration process would be accessible to minorities.
2. Method for appointing registration officials, necessary qualifications for the positions, and their duties.	To determine whether the process for appointing officials was open to minorities.
3. Detailed account of how the reregistration would be conducted.	To determine whether the reregistration process would be accessible to minorities.
4. Procedure to be used if a person failed to reregister but appeared to vote.	To determine whether such people would be permitted to vote, contingent upon a check that they had previously been registered. This procedure is considered least likely to adversely affect minorities.
5. Procedures to be used to inform voters of the need to reregister.	To determine whether minority voters would be adequately informed of the need to reregister.
6. Copy of forms to be used and requirements for reregistration.	To assure that literacy tests would not be used.

<u>Information requested</u>	<u>Reason for requesting the information</u>
7. Description of the re-registration procedures to be used for illiterates, the aged, infirmed, and the physically handicapped.	To determine whether minorities, which generally have high proportions of illiterate individuals, would be provided adequate notice of and opportunity to reregister.
8. Extent to which the black community was consulted in planning or conducting reregistration.	To determine whether efforts were made to obtain and then adequately respond to the concerns of minorities.
9. Names, addresses, and telephone numbers for black residents familiar with the proposed reregistration.	To determine if minorities familiar with the proposed change objected to it or to the process used in deciding upon the change.
10. Election returns, by voting precinct, for elections since November 1964 in which blacks had been candidates.	To determine whether voting patterns followed racial lines.

Raleigh provided the requested information on May 19, 1982, and on July 2, 1982, Justice precleared the proposed reregistration procedures.

Smith County

Smith County submitted a court redistricting plan to Justice on November 24, 1982. In compliance with a 1981 Mississippi statute governing the number of court districts in counties, Smith County reduced its court districts from five to two. The Justice officials reviewing Smith County's submission determined that more information was needed before a section 5 preclearance decision could be made. On January 19, 1983, a

letter was sent to Smith County requesting additional information. The following lists the information requested and the reasons for the information.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. Population, by race, for the current and proposed districts.	To determine whether minority voting strength was decreased.
2. Maps depicting current and proposed districts and areas of minority concentration.	To determine whether boundaries followed natural or logical lines or in some manner adversely affected minority voting opportunities.
3. Election returns, by precinct, for elections since November 1964 in which blacks were candidates. Registered voter statistics, by race and voting precinct, before and after the proposed redistricting.	To determine whether voting patterns followed racial lines and whether the change would dilute minority voting strength.
4. Copies of transcripts or minutes from public hearings on the plan or other evidence of minority participation, and information concerning how supervisors considered black citizens' concerns.	To determine whether the process for developing the plan was open to minority participation and the plan adequately responded to the concerns of minorities.
5. Copies of alternative plans that were considered, contact persons for each plan, supporting data, and description of minority input.	To gauge responsiveness to minority concerns and whether plans existed which would have more adequately reflected minority voting strength.

<u>Information requested</u>	<u>Reason for requesting the information</u>
6. Effect of plan on incumbents and whether this was a factor in selecting a plan.	If minorities had seldom been elected, a plan favoring incumbents may have been discriminatory.
7. Information regarding litigation involving the proposed plan.	To determine whether the proposed change was ready for review and to possibly identify alternative plans.
8. Names and telephone numbers of minorities serving on county boards.	To determine whether the jurisdiction was responsive to minority needs.
9. Explanation of the criteria used to determine boundaries.	To determine if the criteria were discriminatory or if the plans deviated from the criteria in a discriminatory manner.
10. Copies of publicity regarding the change.	To determine whether the process for developing the plan was open to minority participation.

The additional information was received by Justice on March 15, 1983, and a letter preclearing the submission was mailed to Smith County on May 12, 1983.

Lauderdale County

Lauderdale County submitted a supervisor redistricting plan and related changes to Justice on February 22, 1983. It supplemented its submission, including additional related changes, on March 5, 1983. Upon review of this submission, Justice officials determined that additional information was needed to complete the preclearance review and requested the county by letter dated April 22, 1983, to submit the information. The following lists the information requested and the reasons for the information.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. County and municipal maps depicting current and proposed districts.	To determine whether boundaries followed logical or natural lines or in some manner adversely affected minority voting opportunities.
2. Maps shaded to show areas of minority concentration.	To determine whether boundaries split cohesive communities.
3. Exact number of persons, by race, moved from one district to another.	To determine whether minority voting strength was diluted.
4. Explanation for a discrepancy in the district lines.	To resolve inconsistencies in the information in the the submission.
5. Explanation for changing a particular boundary.	To clarify the purpose behind an unusual change.
6. Number of times the board of supervisors had been redistricted and how often certain lines had been changed.	To determine whether for item five the county deviated from normal criteria.
7. Description of citizen participation, including the race of participants and how suggestions or concerns were resolved.	To determine whether the the process for developing the plan was open to minority participation and the plan adequately responded to the concerns of minorities.
8. Effect of plan on incumbents and whether this was a factor in selecting a plan.	If minorities had seldom been elected, a plan favoring incumbents may have been discriminatory.

<u>Information requested</u>	<u>Reason for requesting the information</u>
9. Description of how supervisors' duties would have changed if the method of maintaining roads was changed. Copies of minutes of meetings where this issue was discussed.	To determine whether changing the method of maintaining roads could have resulted in boundaries that better protected voting rights.
10. Number of full-time county employees, by race and job category.	To determine whether the county was responsive to minority needs and whether a discriminatory climate existed.
11. Election return and registered voter statistics for each election since 1970 in which a minority was a candidate.	To determine whether voting patterns followed racial lines.
12. Description of how illiterate voters would be notified of changes.	To determine whether adequate notice would be provided.
13. Recourse available to voters if they were not notified or an administrative error was made.	To determine whether affected voters would be permitted to vote, contingent upon a check that they had previously been registered. This procedure is considered least likely to adversely affect minorities.

Lauderdale completed its submission of the requested information on May 3, 1983. After the completed submission was reviewed, Justice objected to the supervisor redistricting plan on July 5, 1983. At the same time it also informed Lauderdale that no decision would be made concerning the other related voting changes that Lauderdale had included in its submission because they were dependent on the supervisor redistricting plan.

Jones County, City of Laurel

On July 13, 1981, the City of Laurel submitted four annexations to Justice for preclearance. Laurel's submission was in response to a Justice letter indicating that annexations are covered voting changes subject to the Voting Rights Act's preclearance requirement. After reviewing the submission, Justice requested by letter dated September 9, 1981, that additional information be provided. The following lists the information requested and the reasons for the information.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. Map indicating residency ward lines, voting precincts, and the areas annexed.	To determine where boundaries had changed and the effect on minority voting strength.
2. Description of the city's form of government and method of election.	To determine the appropriate method for calculating whether minority voting strength was decreased.
3. Map showing minority population concentrations.	To determine whether the boundary changes due to the annexations affected minority voting strength or otherwise were discriminatory.
4. Total population and registered voter statistics, by race, and residency ward, before and after the annexations.	To determine whether minority voting strength was decreased.
5. Projected use or zoning of each annexed area.	To determine whether the future use of the land could have adversely affected minority voting strength.

<u>Information requested</u>	<u>Reason for requesting the information</u>
6. List of other areas denied annexation; population by race, and reason for denial of annexation requests.	To determine whether a pattern of discrimination had occurred.
7. Election return and registered voter statistics for each election since November 1964 in which blacks were candidates.	To determine whether voting patterns followed racial lines.
8. Contact information for blacks, including elected or appointed officials.	To determine whether minorities objected to the changes or the method used in deciding upon them.
9. Date of a particular court decree.	To clarify data originally submitted and to determine whether a particular annexation was covered by the preclearance requirement.

After Laurel had completed its submission of the above information on March 11, 1982, Justice officials completed their analysis of the annexations and by letter dated May 10, 1982, precleared the annexations.

Sunflower County

Due to population changes shown in the 1980 census, Sunflower County submitted a plan on March 8, 1983, for redistricting its supervisor districts. Sunflower's submission also included proposed changes reducing its court districts from five to two pursuant to state statutory requirements and creating two new voting precincts. During its review of the submission, Justice received several letters from minorities who were concerned about both the proposed plan and the procedure used in its development. On May 9, 1983, Justice requested additional information from the county. The following lists the information requested and the reasons for the information.

<u>Information requested</u>	<u>Reason for requesting the information</u>
<p>1. Description of how black views were obtained, information on how to contact blacks who had offered views on the plan, and, an explanation of how views were dealt with in the final plan. Indication of whether the board of supervisors notified black representatives of the criteria to be used in devising alternative plans.</p>	<p>To determine whether efforts were made to obtain and adequately respond to the concerns of minorities. Minority groups and individuals had alleged that their views were not appropriately considered.</p>
<p>2. Information regarding why a particular boundary was adopted.</p>	<p>To determine whether a logical, nondiscriminatory rationale supported the proposed boundary. Minority groups and individuals had alleged that the boundary unnecessarily split a minority community.</p>
<p>3. Description of whether an alternative plan was considered and how it affected the final plan.</p>	<p>A minority group had alleged that an alternate plan they prepared was not given appropriate consideration.</p>
<p>4. Respond to allegations that active black districts were combined with inactive districts thereby inhibiting the ability of blacks to elect candidates of their choice.</p>	<p>To obtain the jurisdiction's response to allegations that although certain districts contained more than 50 percent minority populations minority voters would still be unable to elect candidates of their choice.</p>

<u>Information requested</u>	<u>Reason for requesting the information</u>
5. List of the number of square miles and road miles in each proposed supervisor district. Description of the supervisors' responsibilities for road maintenance.	To follow up on minority group and individuals' allegations that criteria used in developing the plan were inappropriate or were inappropriately applied.
6. Description of how criteria were applied in establishing polling places in precincts.	To determine whether the criteria were discriminatory or whether they were applied in a discriminatory manner.
7. Description of how citizen views were taken into account in establishing new polling places.	To determine whether the process for developing the plan was open to minority participation and whether minority views were adequately considered.

Sunflower County completed its submission of the requested information on June 1, 1983. After analyzing the submission and the views and information provided by minority contacts, Justice interposed an objection to the proposed supervisor districts on July 19, 1983. The proposed court districts were approved on the same day and no decision was made on the other related changes because of their interrelationship with the supervisor districts.

Sunflower County, Town of Sunflower and City of Indianola

On February 4, 1980, Justice received submissions from the Town of Sunflower and City of Indianola requesting preclearance for the use of voting machines and for the reregistration of voters in these jurisdictions. Justice processed these submissions jointly. After having reviewed the submitted material, Justice precleared the use of voting machines in both jurisdictions but requested additional information relating to the proposed reregistration of voters. The following lists the information requested and the reasons for the request.

<u>Information requested</u>	<u>Reason for requesting the information</u>
1. Dates, hours, and locations for reregistration and names of those who would conduct the reregistration.	To determine whether the process would be accessible to minorities.
2. Copy of the state statute precluding reregistration on election day.	To resolve an inconsistency between the Sunflower jurisdictions' understanding of state law and that of other communities.

The jurisdictions responded to the request for information on March 5, 1981, enclosing an opinion of the State Attorney General regarding reregistration on election day and indicating that the reregistration changes were being indefinitely delayed. Because the reregistration plans were suspended, Justice wrote to the jurisdictions on May 8, 1981, indicating that no decision would be made regarding the proposed reregistration plan.

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