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REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES

Voting Rights Act--Enforcement Needs Strengthening

Limited Federal efforts preclude assurance that all States and localities are complying with the Voting Rights Act, which is designed to include citizens of all races in the electoral process. To strengthen enforcement, the Department of Justice needs to

--initiate procedures to improve compliance efforts;

--identify, systematically, potential court action to enforce the law; and

--provide more assistance to election officials to meet minority language requirements.

GAO identifies three issues that the Congress needs to consider to strengthen the act further.

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FEBRUARY 6, 1978

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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The Honorable Don Edwards, Chairman
Subcommittee on Civil
and Constitutional Rights
Committee on the Judiciary
House of Representatives

The Honorable Daniel Inouye
United States Senate

The Honorable William Ketchum
House of Representatives

This report discusses progress, problems, and impact related to the enforcement of the Voting Rights Act's special and minority language provisions by the Department of Justice.

The report was initiated at the request of the Chairman of the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, and later expanded to address the minority language provision as a result of special interest from Senator Inouye and Congressman Ketchum. As arranged with your offices, we are sending copies of this report to other interested parties.

The Departments of Justice and Commerce and the Civil Service Commission have been given an opportunity to comment on this report. Their formal responses, however, were not received in time to be included in the final report. We considered their informal comments in preparing the report.

Comptroller General
of the United States

REPORT OF THE
COMPTROLLER GENERAL
OF THE UNITED STATES

VOTING RIGHTS ACT--ENFORCEMENT NEEDS STRENGTHENING

D I G E S T

The Attorney General has primary responsibility for enforcing the 1965 Voting Rights Act, with the U.S. Civil Service Commission and the Bureau of the Census having support functions. (See p. 2.)

The act was designed to alleviate racial and language discrimination in voting and to secure the voting franchise for citizens of all races. (See p. 1.)

The Department of Justice's program for enforcing the act has contributed toward fuller political participation by all races in the political process. At the same time, the act's purposes have not been fully realized because

--the Department has not adequately monitored jurisdictions covered by the special provisions to determine whether these jurisdictions submit, as required, their proposed election law changes for review (see p. 10);

--sufficient data is lacking at the Department and Civil Service Commission to adequately assess the effectiveness of the act's examiner and observer programs (see p. 21);

--the Department's litigative efforts have been limited (see p. 26);

--the act's minority language provisions do not cover all language minorities needing assistance (see pp. 35 and 36);

--implementation of the minority language provisions is hampered by vague guidelines and lack of Department assistance (see pp. 37 and 38); and

--the Bureau of the Census has a congressional mandate to perform biennial minority voter participation surveys which are very costly and of limited use in the Department's enforcement of the act. (See p. 30.)

The act's general provisions apply throughout the United States; special provisions apply in States and localities that meet certain conditions. The act's 1975 amendments added minority language provisions, which apply in some States and localities. (See pp. 1 and 2.)

To strengthen the enforcement of the act's provisions, the Attorney General should:

--Improve compliance by developing procedures for (1) informing States and localities periodically of their responsibilities under the act, (2) identifying systematically States and localities not submitting voting law changes, (3) monitoring whether States and localities are implementing election law changes over the Department's objection, and (4) soliciting the views of interest groups and individuals.

--Reassess current Department guidelines to determine what documentation States and localities should submit with voting law changes.

--Develop cost, minority participation, and other data on the examiner and observer programs and perform a thorough evaluation of their operation, particularly the various minority viewpoints on needed program improvements.

--Expand the Voting Section paraprofessionals' responsibilities, where possible, to allow attorneys greater opportunity for involvement in litigative matters.

--Develop and initiate a systematic approach to more extensively identify litigative matters in the voting rights area.

--Consider placing responsibility for enforcing compliance in jurisdictions subject only to the minority language provisions with the

Department's Civil Rights Division at headquarters rather than U.S. attorneys' offices.

--Provide more assistance to election officials in developing plans for complying with the act's minority language provisions and in assessing the needs of the minority population.

--Seek the establishment of an information system which would include cost, dissemination, and usage data to evaluate the cost effectiveness of various methods of providing language assistance and to give proper feedback to election administrators to assist them in providing effective minority language assistance. At a minimum he should attempt to seek periodic collection of this information for analysis purposes.

--Assess the extent of financial hardships incurred in implementing the language provisions to determine if Federal funds are necessary to assist States and jurisdictions in effectively implementing these provisions.

The Congress should consider amending the act to establish a coverage requirement based on a jurisdiction's needs rather than just a percentage coverage formula, and require all States and localities covered by the minority language provisions to preclear minority language measures.

The Congress should reassess the adequacy and need for the Bureau of the Census to collect voting statistics in covered States and localities because the mandated biennial survey will cost an estimated $44 million, and result in statistics that will be of limited use to the Department of Justice.

The Departments of Justice and Commerce and the Civil Service Commission have been given an opportunity to comment on this report. Their formal responses, however, were not received in time to be included in the final report. GAO considered their informal comments in preparing the report.

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Contents

ABBREVIATIONS

CSC	Civil Service Commission
GAO	General Accounting Office

CHAPTER 1

INTRODUCTION

The 1965 Voting Rights Act, as amended (42 U.S.C. 1973 et seq.), has been hailed as one of the most significant pieces of civil rights legislation ever enacted. The Congress designed the act to alleviate racial and language discrimination in voting, thereby securing the franchise for U.S. citizens of all races. One purpose was to enable racial and minority language citizens to have the same rights and opportunities to participate effectively in the electoral process as other Americans.

Previous voting rights provisions in civil rights laws relied chiefly on litigation to remove barriers to voting. They were not entirely successful in eliminating the means used to disenfranchise minorities. By contrast, the Voting Rights Act provides for direct Federal action in the electoral processes of certain States and localities.

In response to a request from the Chairman of the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary (see app. I), we reviewed the progress, problems, and impact related to the act's implementation, with particular emphasis on the Department of Justice's enforcement of provisions generally referred to as the special provisions. We expanded our review to focus on the minority language provisions in response to subsequent requests from Congressman William Ketchum and Senator Daniel Inouye. (See apps. II and III.) In addition to reviewing the Department's enforcement activity, we contacted State and local election officials and minority interest group representatives to obtain their views on the requirements and impact of the act. (See ch. 7.)

PROVISIONS FOR FEDERAL INVOLVEMENT IN POLITICAL PROCESS

The act contains general provisions which apply throughout the United States and special provisions which apply in States and localities meeting certain conditions. The general provisions (1) prohibit the use of racially discriminatory voter qualifications, and any standard, practice, or procedure with respect to voting, including discrimination against members of language minority groups, (2) authorize suits in Federal courts to have the special provisions of the Voting Rights Act apply to States or local jurisdictions not already covered, and (3) establish penalties for certain violations of the Voting Rights Act.

The special provisions contain the act's strongest enforcement mechanisms. These provisions authorize three forms of direct Federal involvement in the electoral processes of covered States and localities: (1) requirement for Federal clearance of election law changes, (2) authority to use examiners to list eligible voters on voting registers and/or handle complaints during elections, and (3) authority to use observers to watch election processes at polling places. In 1975 minority language provisions were added that require some States and localities to use one or more languages in addition to English in the electoral process.

ENFORCEMENT RESPONSIBILITIES

The Attorney General has primary responsibility for enforcing the act, with the U.S. Civil Service Commission (CSC) and the Bureau of the Census of the Department of Commerce having support functions. (See app. IV.) The Voting Section of the Department of Justice's Civil Rights Division is responsible for reviewing election law changes submitted by States and localities, administering the examiner and observer programs, and performing voting-related litigation. The Voting Section and U.S. attorneys are responsible for monitoring minority language compliance activity in covered States and localities.

CSC is involved by appointing persons to serve as examiners and/or observers when the Attorney General concludes that they are needed.

Finally, the Bureau of the Census is responsible for identifying the States and localities meeting the conditions for coverage and for conducting biennial surveys of registration and voting in States and localities subject to the special provisions.

DETERMINATION OF COVERED STATES AND LOCALITIES

The Attorney General determines, in conjunction with the Director, Bureau of the Census, which States and localities will be subject to or covered by the statutory special and minority language provisions. Four different statutory formulas are used in making the determinations:

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 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 voted in the 1968 Presidential election.

3. More than 5 percent of the citizens of voting age in the jurisdiction were members of a single language minority group on November 1, 1972, and the jurisdiction provided registration and election materials only in English on November 1, 1972 (that is, maintained a test or device as defined in the 1975 amendments), and less than 50 percent of the citizens of voting age voted in the Presidential election.

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. (See app. V for the States covered by the special and/or minority language provisions.)

Once a jurisdiction has met the conditions in one or more of the formulas, the coverage is automatic. A jurisdiction may be exempted from coverage, however, by showing for reasons specified in the act that it should not be covered.

Jurisdictions covered by the first or second formula are subject only to the special provisions (preclearance of election law changes and examiner and observer activity) of the Voting Rights Act. Jurisdictions covered by the fourth formula are subject only to the minority language provisions. Jurisdictions covered by the third formula must comply with both the special provisions and the minority language provisions.

FUNDING

During fiscal years 1965-77, estimated Federal budget outlays in connection with the act were $21.9 million. While State and local jurisdictions incurred costs in administering

their responsibilities under the act, these costs were not available. The table below summarizes the Federal budget outlays.

Federal Budget Outlays--Fiscal Years 1965-77

Fiscal year	Department of Justice	CSC	Census Bureau	Total
	----------(000 omitted)----------			
1965-70 (note a)	$2,229	$4,556	$ 509	$ 7,294
1971	560	372	-	932
1972	600	890	-	1,490
1973	670	448	-	1,118
1974	750	236	-	986
1975	777	325	105	1,207
1976 (note b)	1,443	1,196	557	3,196
1977	1,458	232	3,938	5,628
Total	$8,487	$8,255	$5,109	$21,851

a/Prior to fiscal year 1971, detailed budget outlay estimates by year for each agency were not available.

b/Includes budget outlays for 15 months because of the change in the Federal Government's fiscal year.

CHAPTER 2

PROGRESS AND IMPACT OF VOTING RIGHTS ACT

Since the enactment of the Voting Rights Act in 1965, its enforcement by the Department of Justice has contributed toward fuller minority participation in the political process in jurisdictions covered by the act. Published statistics show that using Federal examiners to list eligible minority voters has reduced the disparities in minority and white registration rates. Federal observers were assigned as poll watchers, and minority language assistance was made available to non-English speaking groups to encourage their political participation. Most importantly, through enforcing the preclearance provision and litigation, the Department has prevented the implementation of many discriminatory voting laws and practices. Notwithstanding these positive achievements, as discussed in succeeding chapters, the act's objectives could be more fully realized.

EFFECTS ON MINORITY REGISTRATION, VOTING, AND REPRESENTATION

The Voting Rights Act was designed not only to enable minority citizens to gain access to the political process through registration, but also to make sure that increased registration will be meaningful. Most analyses of the act show that it has been largely responsible for the dramatic increase in Black registration in covered States (i.e., Alabama, Georgia, Louisiana, Mississippi, and South Carolina). The effects may also be seen in increased Black voting and election of Black officials.

A Civil Service Commission report showed that since the act's passage (August 6, 1965) to June 30, 1977, listing examiners have served in 61 jurisdictions in the covered southern States and had listed as eligible to vote an estimated 146,175 persons. In addition, CSC officials estimated that through June 30, 1977, over 10,000 persons had been assigned to observe 91 elections.

A July 1975 report by the Senate Committee on the Judiciary 1/ stated that registration rates for Blacks in the

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1/Report of the Senate Committee on the Judiciary on Voting Rights Act Extension, S. Rep. No. 94-295, 94th Cong., 1st sess., p. 13 (1975).

covered southern jurisdictions have continued to increase since the passage of the act. The report stated that, while only 6.7 percent of the Black voting age population in Mississippi was registered before 1965, 63.2 percent registered in 1971-72. Similar dramatic increases in Black registration occurred in Alabama, Georgia, Louisiana, and Virginia.

The following table shows the increases in Black voter registration.

Percent of registered voters

Pre-act (1965) estimate (note a)		[illegible] (19[illegible]	1974 estimate (note b)	
White	Black	White	White	Black
73.4	29.3	79.5	61.0	55.5

a/U.S. Commissi[illegible]on Civil Rights, [illegible]ting Rights Act: Ten Years Aft[illegible] January 19[illegible]s include Alabama, Georgia, Loui[illegible]a, Mississ[illegible]olin[illegible] South Carolina, and [illegible]ginia.

b/U.S. Departme[illegible] Commerce [illegible] o[illegible] Census, Current Population Repo[illegible], P-20, N[illegible] Vo[illegible]g and Registration in the Election [illegible] November 197[illegible] E[illegible]ates include States shown in note a and [illegible], [illegible]ware, District of Columbia, Fl[illegible]ida, Kentucky, [illegible]nd [illegible]klahoma, Tennessee, Texas, and W[illegible]st Virginia. Es[illegible]s for the pre- and post-act per[illegible] were not availab[illegible] for these [illegible]ates.

An analys[illegible] by the Joint Cente[illegible] for Political Studies 1/ showed that Bl[illegible]ck participation in electoral politics over a 5-year period, [illegible]rom 1970 to 1975, increased 138 percent. In 1970, 1,469 Bl[illegible]cks were elected officials in the Nation, whereas in 1975, th[illegible]re were 3,503. In addition, according to surveys made by the Voter Educatic Project 2/ the

1/The Joint Center for Political Studies, "Black Political Participation: A Look at the [illegible]bers," Washington, D.C., December 1975.

2/Voter Education Project, Atla[illegible], Georgia, is a nonprofit organization which conducts in[illegible]pe[illegible]den[illegible] surveys of voter registration and participation of [illegible]mino[illegible]ities throughout the South.

growing minority political power was evidenced in 420 Blacks being elected to public office in the South in 1976. The results show that Black candidates were successful in over half of their attempts to win Federal, State, municipal, and county elections in the 11 southern States.

While these figures show an increase in the number of Blacks registering, voting, and being elected to public office, and the gains from implementation of the Voting Rights Act, statistics show that Black elected officials still represent less than 1 percent 1/ of all elected officials in the Nation; Blacks comprise about 11.1 percent of the total U.S. population.

REVIEW OF VOTING LAW CHANGES SUSTAINS PROGRESS TOWARD MINORITY POLITICAL GAINS

The Voting Rights Act requires review of voting changes--qualifications, standards, practices, or procedures--before jurisdictions covered under the special provisions can implement them. In recent years, this provision has become widely recognized as an important means of preserving minority political gains.

When the Voting Rights Act was under consideration, evidence was presented in congressional hearings on how certain jurisdictions attempt to circumvent the 15th amendment. 2/ To make sure that future practices of these jurisdictions would not be discriminatory, the preclearance requirements were adopted.

Voting change submissions increased from 1 in 1965 to 1,118 in 1971. By November 1976, the total number of submissions reviewed was 13,433; the Attorney General objected to 257. The objections related to voting changes submitted from jurisdictions in 11 States (Alabama, Arizona,

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1/Joint Center for Political Studies, Washington, D.C., "National Roster of Black Elected Officials," 1975.

2/Section 1 of the 15th amendment provides "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Congress is authorized to enforce this amendment by appropriate legislation.

California, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Texas, and Virginia).

A July 1975 report by the Senate Committee on the Judiciary stated that

> "as registration and voting by minority citizens increases, other measures may be resorted to which would dilute increasing minority voting strength. Such other measures may include switching to at-large elections, annexations of predominantly white areas, or the adoption of discriminatory redistricting plans." 1/

Some of the Attorney General's more recent objections demonstrate the importance and need for the preclearance provisions. Our review of Department records showed that the Attorney General has entered objections to allegedly discriminatory measures at State and local levels. Overall, approximately two-third of the Department's objections have related to at-large elections, annexations, reapportionments, and redistricting plans.

NON-ENGLISH SPEAKING POPULATION HAS ALSO RECEIVED ASSISTANCE

In August 1975 the Voting Rights Act was again amended. The primary objective of the 1975 amendments was to make sure that members of non-English speaking groups are given the opportunity to participate effectively in the electoral process.

Subsequent to the passage of the 1975 amendments, the Department published guidelines for implementing the act's minority language provisions and sent attorneys to several covered States to speak to State and local election officials regarding their responsibilities under the law.

Although it is difficult to demonstrate substantive impact at this time because of the limited cost and usage data available regarding the language provisions, some

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1/Report of the Senate Committee on the Judiciary on Voting Rights Act Extension, S. Rep. No. 94-295, 94th Cong., 1st sess., p. 17-18 (1975).

observations can be made based on comments received from State and local election officials and persons representing minority language groups.

Nearly all of the 30 State and 149 local election officials that we contacted said that registration and voting materials were available in English and the appropriate minority language in 1976, and that verbal assistance was also available at registration and polling places. However, about 85 percent of the officials stated that, because of minority language requirements, election costs had increased.

Minority language persons informed us that registration and voting materials were now available in a bilingual form, which were not available before the 1975 Voting Rights Act Amendments. In fact, most minority language persons contacted said they received little or no assistance before 1976.

CONCLUSIONS

Progress has been made toward fuller minority political participation and the Department of Justice has contributed by enforcing the Voting Rights Act. Notwithstanding these positive achievements, the act's objectives could be more fully realized.

CHAPTER 3

PROGRAM IMPROVEMENTS NEEDED TO STRENGTHEN ENFORCEMENT

The preclearance provision which provides for Federal review of election changes in voting qualifications, standards, practices, or procedures in covered jurisdictions is possibly the most important means of protecting the voting rights of minorities. The provision's chief purpose is to make sure that State and local officials do not change election laws and practices to discriminate against racial and language minorities.

The Voting Rights Act has been in effect for over 12 years, yet there is little assurance that covered States and localities are complying with the act's preclearance provision. We found that the Department of Justice had limited formal procedures for determining that voting changes were submitted for review as required by the act or for determining whether jurisdictions implemented changes over the Department's objection. Additionally, (1) some Department decisions have been made without covered jurisdictions submitting all data required by Federal regulations, (2) the review process could be more timely, and (3) administrative problems have inhibited the election change review process.

ORGANIZATION FOR ENFORCING PRECLEARANCE REQUIREMENTS

The act requires covered States and jurisdictions (see app. V) to submit all election law changes (that pertain to voter qualifications and to voting standards, practices, or procedures) to either the Attorney General or the U.S. District Court for the District of Columbia for a determination of whether the change would be discriminatory. Jurisdictions almost always submit changes to the Attorney General rather than to the court. Covered jurisdictions are responsible for demonstrating that submitted changes are not discriminatory. Some examples of the more significant types of changes which must be submitted, as specified by Department of Justice regulations, 28 C.F.R. § 51.4, follow:

--Annexations.

--Changes in boundaries of a voting unit.

--Changes in candidate eligibility requirements or terms of offices.

--Changes in polling place.

--Alterations in methods for counting votes.

The Department's Voting Section has direct responsibility for reviewing submitted changes and making sure they comply with the Attorney General's determinations. The Voting Section is headed by a Chief and Deputy Chief and is functionally divided into two units--the Submission Unit and the Litigative Staff.

The Submission Unit is responsible for processing and reviewing voting change submissions and performing related duties, while the Litigative Staff is responsible for litigation-related activities as well as handling the observer and examiner functions. (See app. VI.)

Before the 1975 amendments to the act were passed, Department of Justice attorneys were responsible for processing and reviewing voting change submissions with assistance from a paraprofessional staff of less than five persons. With the anticipated increase in submissions and added election coverage responsibilities resulting from the act's 1975 amendments, in February 1976 the Department adopted its present functional organization with paraprofessionals responsible for reviewing submissions. (See app. VII.)

DEPARTMENT OF JUSTICE COMPLIANCE EFFORTS HAVE BEEN LIMITED

As of May 17, 1977, 927 jurisdictions in 23 different States were subject to submission requirements, including 9 States covered entirely. (See app. V.) However, the Department had no formal process for (1) identifying unsubmitted changes, (2) periodically informing jurisdictions of their preclearance responsibilities, (3) identifying changes implemented over the Department's objection, and (4) soliciting the views of interest groups and individuals.

Limited assurances that covered jurisdictions are submitting all required voting changes

Department of Justice and minority interest group officials stated that some covered jurisdictions were not

submitting voting changes and were implementing changes despite the Department's objections.

Department regulations require that changes affecting voting be submitted even though the change may appear to be minor or indirect. However, we found that as of November 1976, covered jurisdictions in five States 1/ had made no submissions and seven other States 2/ with covered jurisdictions had made less than 12 submissions each. All of these jurisdictions had been covered by the preclearance procedures for several years. Department officials told us that changes have obviously been implemented in these jurisdictions without preclearance. They said no formal efforts have been made to identify and obtain these changes because the jurisdictions do not have a history of voting problems.

Minority interest group officials in selected jurisdictions told us of instances where they believed changes were implemented without preclearance. For example, they said that during a review of local legislation in Georgia, the Voter Education Project identified 44 allegedly unsubmitted election law changes made between August 1965 and March 1976. As reported by the Project the changes identified represented only the most obvious and serious election law changes and omitted other changes which the Voter Education Project felt were not significant.

A former Assistant Attorney General, in testimony before the Senate Judiciary Committee on April 29, 1975, acknowledged covered jurisdictions' noncompliance in submitting all required voting changes and in implementing some voting changes despite the Department's objection. The Department's limited efforts have also disclosed unsubmitted changes from several States.

No systematic efforts to identify and obtain unsubmitted changes

The Department of Justice has tried to identify and obtain unsubmitted changes. Although these efforts have

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1/Connecticut, Idaho, Michigan, New Hampshire, and South Dakota.

2/Alaska, Colorado, Hawaii, Maine, Massachusetts, Oklahoma, and Wyoming. The State of Maine successfully filed for exemption from the provision in September 1976.

been productive, they have been sporadic and fall far short of formal systematic procedures to make sure that changes affecting voting are submitted.

Session laws are laws passed during an assembly of a State legislature. In 1972 the Department reviewed State session laws passed between 1965 and 1972 in Louisiana. This review resulted in 149 changes being submitted. In 1974 a similar review was performed in Alabama involving session laws passed during 1971 which disclosed 161 unsubmitted changes.

As a prelude to the 1975 hearings on the extension of the act, the Department conducted similar reviews of State session laws passed between 1970 and 1974 for nine States. The reviews identified unsubmitted changes in eight of the States as shown below.

State	Number of unsubmitted changes	State	Number of unsubmitted changes
Alabama	70	Mississippi	14
Arizona	9	North Carolina	15
Georgia	158	South Carolina	33
Louisiana	15	Virginia	2

The Department also identified local jurisdictions which had never made submissions and requested the Federal Bureau of Investigation to conduct investigations to identify unsubmitted voting changes. Our review of Department records showed that the Federal Bureau of Investigation identified unsubmitted changes in jurisdictions in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

When specific unsubmitted changes are identified, letters are sent to the responsible jurisdictions requesting submission of the change. The Department's policy allows jurisdictions 30 days to submit the change identified, after which time an investigation by the Federal Bureau of Investigation may be requested.

Department of Justice officials stated that no formal reports were prepared summarizing the results of their various compliance efforts. However, the Department's records showed that responses to submission requests were often not received within 30 days and, in fact, some requests have been

pending for at least 2 years. We found, for example, that the Federal Bureau of Investigation identified 102 unsubmitted changes, of which 60 were still unsubmitted as of October 1976. Voting Section officials responsible for the file of unsubmitted changes and Federal Bureau of Investigation officials informed us that they did not record the number of times Federal Bureau of Investigation requests were made in response to this noncompliance.

Minority individuals were critical of the Department's unresponsiveness to alleged noncompliance activity. For example, the Mexican American Legal Defense and Education Fund provided us with a listing of 14 Arizona jurisdictions in which they said voter registration files had been purged without preclearance. The Assistant Attorney General for the Civil Rights Division, in commenting on our draft report, stated that he was aware of and was taking steps to deal with the matter.

Department of Justice officials acknowledged the need for more compliance activity.

Limited formal efforts to inform jurisdictions of submission requirements

The alleged noncompliance cited by election officials, Department of Justice officials, and other groups is partly attributable to jurisdiction officials' lack of knowledge of the requirements for submitting voting changes. While the Department informed most jurisdictions of their responsibilities when they came under the act's coverage, the Department made no attempt to periodically remind jurisdictions of submission requirements to insure that newly elected officials were aware of these responsibilities.

Department of Justice officials stated that jurisdictions were provided copies of the preclearance guidelines when they were first brought under the act's coverage. They added that guidelines were also provided to juridictions upon request and in any instance where it was determined necessary to describe compliance requirements, such as when the Department requested additional information on a submission.

Our interviews with election officials in selected covered jurisdictions revealed that election officials were not fully aware of their responsibilities under the act. Department officials said that, historically, election

officials have had problems in interpreting Federal regulations. However, some election officials may not have copies of the regulations. Some election officials we attempted to contact from the Department's list of contacts were no longer in office.

No followup on submission objections

The Attorney General objected to 257 of the reported 13,433 submissions reviewed between August 6, 1965, and November 1, 1976. (See apps. VIII and IX.) However, the Department has not initiated formal monitoring procedures for making sure that jurisdictions do not implement a voting change over the Department's objection.

Department of Justice officials stated that in the past litigation has been initiated against jurisdictions to force their compliance with objection decisions; however, data was not readily available on the number of such occurrences. The officials acknowledged the need for a formal system for compliance followup on objection decisions and said such a system was being developed but no implementation date had been set.

Efforts to solicit the views of interested parties on voting changes are inadequate

Department of Justice officials stated that they rely heavily on input from minority interest groups and individuals as a compliance mechanism. We found, however, that the Department lacks adequate procedures for informing minority interest groups and individuals of submission decisions rendered.

The Department of Justice maintains a weekly listing of submissions which is regularly mailed to anyone upon request. The listing informs minority contacts of submissions under review at the Department in order that they may comment on the potential discriminatory or nondiscriminatory impact of the submissions. Department officials also cited this listing as one mechanism for informing minority interest groups of the Department's activity for compliance purposes. However, the weekly listing does not include the names of most individuals and groups which the Department identified as its primary contacts in specific jurisdictions.

Additionally, the weekly listing does not provide information which would assist minority contacts in detecting situations where a voting change has been implemented despite

the Department's objection. It only provides the date the submission was received, the submitting jurisdiction's name, and a description of the change, but does not show the Department official reviewing the submission or the decision rendered.

Any individual or group may send to the Attorney General comments on a change affecting voting. Federal regulations require that the Department inform individuals or groups commenting on the submission of the review decision. Our review of 271 randomly selected submissions which the Department had reached decisions on, disclosed that individuals or groups commented on 55 percent of the submissions; however, the Department's records showed that individuals or groups commenting were informed of the review decision in less than 1 percent of the cases sampled. Consequently, minority groups and individuals may not have adequate information to detect changes implemented despite the Department's objections.

In commenting on our draft report, the Assistant Attorney General for the Civil Rights Division stated that they interpret the Federal regulations to require that they notify only those persons whose comments are included in data provided by submitting jurisdictions. Persons contacted by the Department for information and views are not notified of the decision unless they so request.

NEED TO REASSESS DATA REQUIREMENTS FOR SUBMISSION AND TO IMPROVE REVIEW TIMELINESS

Department of Justice regulations require that certain information be included on all changes submitted for Department review. Information required includes such items as a certified copy of the legislative or administrative enactment or order containing a change affecting voting. Additionally, the regulations urge jurisdictions to submit other supporting data that may facilitate the Department's review of the submission and permit the Department to require additional information needed for its review.

The Department has 60 days after receiving complete data to object to a submitted voting change. Failure to do so allows the submitting jurisdiction to implement the submitted change. But neither the Attorney General's affirmative response that no objection be made nor his failure to object will in itself bar subsequent action to enjoin enforcement of the change.

We randomly selected and reviewed 341 voting change submissions processed in the Voting Section from February

through September 1976. Our analysis of these change submissions showed that some data required by Federal regulations was not consistently submitted by jurisdictions with their voting change, and that preclearance reviews were not always completed within 60 days after the first submission of the voting change.

Reviews performed without complete and pertinent data

The Department decided on some voting changes that had been sumitted by States and localities without some data required by Federal regulations. We also identified instances where optional data was omitted despite its apparent significance for a complete analysis. Our analysis of the sampled change submission files showed that 59 percent of the 271 changes decided did not have all data required by Federal regulations.

Assessing the completeness of submissions with respect to information that is optional and not specifically required by Federal regulations was difficult. In reviewing changes involving annexation and redistricting, the Department of Justice did not consistently require jurisdictions to submit information about boundaries and racial distribution of existing and proposed voting units. In addition, other non-required information, such as the reason for and anticipated effects of changes, would appear to be relevant to all voting change reviews. Yet, jurisdictions did not consistently include this information in their submissions.

Several of the Voting Section's paraprofessional submission reviewers said they needed more guidance on what data to consider in reviewing various types of submissions. Department of Justice officials said that the data needed to render a decision varies and that they were revising the submission data requirements.

Review process could be more timely

It is important that the Department's review process be timely. Timely reviews facilitate the election process in submitting jurisdictions. We found that the Department has had problems in promptly reviewing submissions.

The Department of Justice has developed procedures to make sure that the 60-day time frame is met in reviewing submissions. Although the procedures have generally been successful, some submission reviews exceeded 60 days while other reviews appeared unnecessarily lengthy. In all but 3 percent of the 271 voting changes reviewed, the Department completed

its review within the 60-day time frame. In a few cases, we found objections had been made and the changes could have implemented by the submitting jurisdictions.

The 60-day review limit is suspended, however, when the Department requests additional information and begins another full cycle when the information is received. Consequently, a review may be within the prescribed time limits but still may not be completed within 60 consecutive days following the voting changes' initial submission. We found that in about 6.8 percent of the submissions reviewed, a Department decision was not rendered until at least 100 days from the initial receipt of the submission.

Despite Federal regulations requiring the Department to make prompt requests for additional information to complete submissions, over 50 percent of the requests were made on the 60th day after receipt of the initial submissions, over 70 percent were made at least 55 days after receipt, and only 2 percent were made within 30 days.

In over 50 percent of the cases reviewed, the Department did not notify jurisdictions of its decision until at least 56 days after it had complete information. Notification was given within 30 days for fewer than one out of every six changes.

Department officials said they have instituted additional procedures to achieve overall timeliness in the review process. Additionally, the officials said the problems in the timely completion of submission reviews were partially attributable to the large submission workload the Submission Unit encountered during our review. However, we believe the Department had adequate time to prepare for this increased volume of submissions.

OTHER PROBLEMS HAVE INHIBITED THE PRECLEARANCE REVIEW PROCESS

Our review of the preclearance review procedures (see app. VII) also showed that some submission files could not be located and data inaccuracies had limited the use of the Department's computer system which maintains data on identified changes. Federal regulations require the Department to maintain files on each submission reviewed and make these files available to the public upon request. We found that the Department has had difficulty locating submission files. Of 341 voting change submissions randomly selected, the Department was unable to locate files for 24.

Accurate accounting of submission information is important in order for the Department to provide meaningful data to the Congress and the public on the number and

types of changes being reviewed and for the Department's use as a data base for managing the submission review process. Our analysis showed, however, that inaccuracies in the counting of incoming submissions and the absence of computer data checks have limited the usefulness of the computer as an aid in managing the preclearance process.

Department of Justice officials attributed the difficulty in locating files to poor recordkeeping. The Department changed personnel in the file room and initiated a procedure requiring persons to sign for any files they remove. However, this has not completely remedied the problem because on several occasions when our analysis required followup data on a submission file, the file could not be located.

Department of Justice officials acknowledged these problems and stated that efforts were underway to correct the computer data base and to develop plans for increased computer use.

CONCLUSIONS

The Department of Justice's preclearance reviews of proposed voting changes have precluded the implementation of many discriminatory voting changes. Yet, studies by the Department and others report that many covered jurisdictions are not complying with the act's preclearance requirement and that some covered jurisdictions may be implementing changes despite the Department's objection.

The Department, however, does not have a formal process for (1) identifying unsubmitted changes, (2) periodically informing election officials about their preclearance responsibilities, (3) making sure that covered jurisdictions do not implement changes over the Department's objection, and (4) soliciting the views of others. Although the Department has tried to identify and obtain unsubmitted changes, compliance efforts have been limited and sporadic.

In addition, some Department decisions have been made (1) without covered jurisdictions submitting all data required by regulations and (2) after the required time limit for review. The Department needs to improve its efficiency in managing and maintaining voting change submission data.

RECOMMENDATIONS

We recommend that the Attorney General:

--Improve compliance activity by developing procedures for (1) informing jurisdictions periodically of their submission responsibilities, (2) identifying systematically jurisdictions not submitting voting changes, (3) monitoring whether States and localities are implementing election law changes over the Department's objection, and (4) soliciting the views of interest groups and individuals.

--Improve the preclearance review process by (1) reassessing submission guidelines to determine data needs for the review of various types of change submissions and (2) implementing procedures for achieving more timely submission reviews.

--Improve the Department's efforts to maintain submission information by (1) implementing procedures for locating submission files and (2) making necessary corrections to the computer data base and developing procedures for increased computer utilization in managing the election law review process.

CHAPTER 4

COMPREHENSIVE EVALUATION OF THE EXAMINER AND OBSERVER PROGRAMS HAS NOT BEEN PERFORMED

The voting Rights Act deals directly with voter registration problems and conduct of elections through the provisions establishing the examiner and observer programs. These programs are among the act's strongest enforcement mechanisms. However, no comprehensive evaluation of these programs has been performed. Neither the Department of Justice nor the Civil Service Commission has provided for the accumulation of cost and impact information which would facilitate such an evaluation.

Because of the limited data available, we contacted representatives of minority interest groups and individuals who have served as examiners and observers to gain their perspective of the programs. Minority interest group observations showed that the programs need a comprehensive evaluation. In particular, their observations showed concern regarding publicity of observer activities, participation of minorities in the programs, observers' functions, and feedback on voting complaints.

ADMINISTRATION OF EXAMINER AND OBSERVER PROGRAMS

Federal examiners and observers may be sent, at the direction of the Attorney General, to covered jurisdictions if the Attorney General has received 20 meritorious written complaints from residents of the locality charging voter discrimination or if he believes that their appointment is necessary to enforce voting rights protected by the 14th and 15th amendments. CSC appoints Federal examiners and observers. Persons serving as examiners or observers must volunteer for the assignment and are compensated for their time and travel expenses. According to CSC officials, persons who have served as examiners and/or observers have been retired military and Government employees, schoolteachers, and current CSC and other Federal agency personnel.

There are two types of examiners--the listing examiner and the complaints examiner. Listing examiners declare persons as eligible and entitled to vote based on State qualifications that are consistent with Federal law.

Complaints examiners receive complaints during elections from persons who are registered or listed as eligible to vote and who allege voting discrimination. The examiner files the complaints received with the Attorney General. If warranted, the Attorney General may seek a Federal court order suspending the election results until eligible persons have been allowed to vote.

The Attorney General may use Federal observers in covered jurisdictions that have been designated by the Department for examiner activity. Observers act as poll watchers at local polling places to see if all eligible voters are allowed to vote and all ballots are accurately counted. They may also observe the way assistance is provided to voters.

Determining need for examiners and observers

Assuming the Attorney General has not received 20 meritorious complaints from a jurisdiction, the primary method used by the Department for determining the need for examiners and observers is a preelection survey. Preelection surveys are performed primarily by Department attorneys with assistance from paraprofessionals and are limited to covered jurisdictions. The decision as to the type of preelection survey to be conducted and the information to be obtained is made by the Voting Section's Deputy Chief, with the Section Chief's concurrence. The Department considers such factors as past election practices, whether minority candidates suffered discrimination or encountered racial problems in campaigning for office, and the views of local residents on whether fair elections can be expected without Federal involvement.

Department of Justice officials told us that to identify potential voting problems in a small county or district election, a survey may be limited to telephone calls to local election officials or minority interest group representatives.

On the other hand, a general election may require a more comprehensive survey which would generally consist of three phases: initial telephone calls, followup telephone calls, and onsite visits to selected covered jurisdictions (See app. X.)

The Department of Justice uses the information obtained from surveys and attorney reports to make final decisions

on locations where examiners and observers should be sent and the number needed.

Program cost and statistics

According to CSC records, from August 6, 1965, to June 30, 1977, listing examiners were sent to 61 designated jurisdictions to list individuals eligible to vote. Since September 1975 the Department of Justice has not identified any instances where listing examiners were needed.

CSC officials stated that from the passage of the act to 1975, examiners have been used in every election occurring in designated jurisdictions. Since 1975 examiners have been assigned to all jurisdictions selected for observer coverage; toll-free telephone numbers for complaints have been available in all other designated jurisdictions.

In addition, CSC officials stated that over 10,000 individuals have observed 91 elections from August 6, 1965, to June 30, 1977. CSC estimated its budget outlays for the listing and complaints examiner and observer programs from August 6, 1976, to October 1, 1976, to be $7.1 million, which includes $1.7 million for listing examiner activity, $0.4 million for complaints examiner activity, and $5 million for observer activity. (See app. XI.)

EXAMINER AND OBSERVER PROGRAMS NEED EVALUATION

Evaluation is intended by the Congress to be an integral part of Federal programs. Program data is necessary to provide a basis for evaluation. Department of Justice officials said they had performed a limited evaluation of the examiner and observer programs and had identified no problems. The Department of Justice and CSC, however, do not maintain necessary data conducive to performing a comprehensive evaluation of the programs, such as detailed cost information, a record of minority participation in each program, and impact statistics on complaints examiners' and observers' activities.

Through discussions with representatives of minority interest groups and program officials we identified several aspects of the programs which may warrant particular reassessment.

--According to a Civil Rights Commission report, most minorities it contacted believed the presence of observers, if known in advance, encourages minorities to vote. Several minorities believed the publicity of observer activity was inadequate and therefore minorities who may have voted, did not. CSC officials stated that the Department and CSC have decided not to give prior notice of observer assignments to a political subdivision to insure the personnel safety of observer personnel and government property. They also stated that publicity surrounding assignment of observers to a particular political subdivision could permit practices which the act seeks to eliminate in jurisdictions without observers.

--Many minority individuals expressed dissatisfaction with the performance of the observers. Their complaints centered on the inadequacy of observers in regard to matters such as (1) informing persons denied the right to vote that they could complain to Federal examiners, (2) answering questions at the polls, and (3) the level of interest and concern shown toward minority voting problems. CSC officials stated that the role of observers is not to answer questions. The observers' function is to watch what happens at the polls and report what they have seen to the Department of Justice.

--Most minorities believed the problems of observer performance could be overcome if more minorities were appointed as observers. Department of Justice and CSC officials said that no program exists to make certain that more minorities participate in the programs. According to CSC officials, they are somewhat limited in trying to appoint minorities because (1) they must consider volunteers from various Federal agencies and (2) equal employment opportunity requirements prohibit any special recruiting and selection efforts that would give preferential treatment to a particular minority group. CSC officials stated they encouraged recruiting individuals who are representative of the supplying agency's population, including women and minorities, but no formal attempt has been made to make sure that minorities and women do participate nor do they know the number of minorities and women which have participated in the program.

--Several minority persons stated they had informed complaints examiners of either registration or voting problems. Although the complaints may have been resolved at the local level, no feedback on the examiners' findings was provided to the individuals registering the complaints. Most of the complaints examiners contacted stated they had received various voting complaints and had either reported them to the Department of Justice attorney in the jurisdiction during the election or had filed a report with Department headquarters. All of them believed their responsibilities ended when the report was filed and none of them had performed any followup on the complaints received. Department officials stated that limited review of examiner reports was performed. They believed that, for the most part, problems identified in the reports were resolved by the examiner during the election so followup by them was not warranted.

Department officials acknowledged the need to maintain more detailed data in order to perform a comprehensive evaluation of the examiner and observer programs. However, the officials were unable to explain why efforts had not been made to perform such an evaluation.

CONCLUSIONS

Although the examiner and observer programs are among the act's strongest enforcement mechanisms, no comprehensive evaluation of these programs has been performed. Cost and impact data, necessary for such an evaluation, were not being accumulated. Minority interest group representatives' observations showed that a comprehensive program evaluation was needed. Their observations showed that such an evaluation should give special attention to improving procedures for publicizing observer activities, assessing the adequacy of observers' functions, enhancing minority participation, and improving the procedures for following up and providing feedback on voting complaints.

RECOMMENDATIONS

We recommend that the Attorney General, in cooperation with CSC, develop data on cost, minority participation, and impact for evaluating the examiner and observer programs, and perform a thorough evaluation of these programs, paying particular attention to the various minority viewpoints on needed program improvements.

CHAPTER 3

LITIGATIVE ACTIVITY IS LIMITED

The Voting Rights Act strengthened the Attorney General's authority to bring suits to protect voting rights. This litigative authority is not only essential in enforcing the preclearance provisions but also for protecting voting rights in jurisdictions that are not covered by the act's special provisions and for challenging discriminatory laws and practices.

The Department of Justice's litigative efforts have been limited. We found that the Department has been unable to litigate all matters related to the act's special provisions and to develop and initiate litigation against jurisdictions not covered by the special provisions.

Department officials noted in their 1977 budget request that their capacity to perform litigative activity has been hampered because much of the attorneys' time is consumed with nonlitigative activities and requested additional attorney resources to increase their litigative activity. Our review showed, however, that certain actions could enhance the Department's litigative impact and capacity without the need for additional resources. These include

--more effective use of the paraprofessional staff and

--development and implementation of a systematic approach for identifying potential litigative activity.

Additionally, we found that Bureau of the Census surveys mandated by the Congress to assist the Department's enforcement of the Voting Rights Act and the Congress evaluation of the act's impact are costly and of limited use in identifying potential litigative matters.

LITIGATION AND STAFFING

Under the Voting Rights Act, the Attorney General has the authority to bring lawsuits in Federal courts to enjoin denials of the right to vote through, for example, the use of poll taxes, literacy tests, English-only elections in jurisdictions with language minority group members, and certain age and residency restrictions.

The Attorney General has delegated this litigative responsibility to the Voting Section. As of July 1977 the

section had 13 attorneys responsible to the Assistant for Litigation who in turn reports to the Deputy Chief and Chief of the Voting Section. The staff attorneys are divided into three teams. Each team is assigned States in which it has primary responsibility for litigative activity and examiner and observer program activity.

The Voting Section did not maintain a complete list of litigative involvement. However, we were able to develop a reasonably comprehensive list through the Department and other sources. This list shows that the litigative staff has litigated 177 cases since August 6, 1965. (See app. XII.)

More litigation desired but management of present workload hampers these efforts

The Voting Rights Act authorizes the Department to file suit against jurisdictions not covered by the act's formulas in order to impose the special provision remedies where the jurisdiction involved is found to have denied the voting guarantees secured by the U.S. Constitution. As of July 1977, no such litigation had begun. Department attorneys expressed a desire to initiate this type litigation; however, the Department lacks the litigative capacity to manage its present litigative workload of citizen complaints and potential litigative matters.

When the litigative staff receives citizens' complaints, identification numbers are assigned and files are started to maintain data on the status of the complaints. Our review of these complaint files showed that 432 complaints had not been officially closed. In 157 of these, the last status update was made approximately 3-1/2 years before our review. We also found 217 complaints which were, according to the files, assigned to attorneys no longer employed by the Voting Section.

We further identified instances where, according to minority contacts, the Department had knowledge of violations; however, litigation was not always pursued. We interviewed 98 minority contacts in covered jurisdictions; 21 of these persons identified cases which they believed the Department should have litigated.

Analysis of the Department's litigative involvement since 1965 further revealed limited litigative efforts. We found that, of the 177 cases litigated, in 90 cases the Department was acting as a defendant or as an amicus curiae (friend of the court) rather than the plaintiff. Amicus activity, according to attorneys interviewed, involves minimal time and effort on the Department's part. Of the remaining 87 cases when the Department of Justice was the plaintiff, 42 cases involved enforcing the preclearance provisions. Our analysis of Department records further showed that only 1 of the 13 staff attorneys has represented the Department in court on more than six cases in spite of the fact that seven of the remaining attorneys have been in the Voting Section from 1 to 3 years.

Department officials said that a lack of administrative procedures to make sure complaint files were closed was primarily the cause of the 432 outstanding complaints and the complaints were near completion, but lacked such things as a memorandum closing the file. They added that paraprofessionals were being used to close these outstanding complaint files. The Department attributed the large number of outstanding complaints and their inability to perform more litigation to the attorneys involvement in nonlitigative activity.

BETTER USE OF PARAPROFESSIONAL STAFF COULD INCREASE LITIGATIVE CAPACITY

Department of Justice officials said litigation, particularly in areas other than the special provisions of the act, has been limited because of priority demands on attorney resources for handling nonlitigative functions such as preclearance reviews and election coverage activities. However, paraprofessionals have assumed most of the preclearance review functions and, if they were given other responsibilities related to election coverage and follow up to minor complaints from citizens, additional attorney resources could be freed to handle more litigative matters.

Prior to February 1976, Voting Section attorneys were primarily responsible for preclearance of voting change submissions with paraprofessionals assisting them in tasks such as gathering statistics and making followup contacts with persons in the submitting jurisdictions. In an effort to involve attorneys in more litigative activity, the Voting Section expanded its paraprofessional staff and transferred responsibility for preclearance reviews to them. These efforts to increase litigative activity were hampered by

increased demands for the litigative staff to cover elections in jurisdictions brought under coverage through the act's 1975 amendments.

The passage of the 1975 amendments also increased paraprofessionals' submission workload but, by the end of May 1977, their workload had diminished substantially. Paraprofessionals informed us that their weekly submission workload averaged 5 to 10 submissions during May 1977 while it averaged 40 to 60 during the first 6 months of 1976. They further said that they could assume additional tasks.

Paraprofessionals could perform election coverage and assist attorneys in litigative activities

Paraprofessionals now have limited responsibility and involvement in election coverage activity; however, Department of Justice attorneys said that the paraprofessionals could handle substantially more responsibility for this activity. For example, preelection field visits are generally performed only by attorneys, requiring a large amount of their time. Department attorneys believed paraprofessionals could perform this task and, in fact, some paraprofessionals have assisted attorneys in preelection survey field visits. Attorneys believed the only assistance that paraprofessionals might need during field visits would be in resolving legal issues. They believed this assistance could be provided over the telephone.

Additionally, during examiner and observer election coverage, the Voting Section assigns one and sometimes two attorneys to monitor programs. Paraprofessionals and some attorneys interviewed believed that instead of using two attorneys, paraprofessionals could be used to assist attorneys.

Most attorneys interviewed believed that the paraprofessionals could also assist them in preparing law suits. As of July 1977, we were informed that two paraprofessionals were providing this type of assistance.

Department of Justice officials were receptive to the idea of increased use of paraprofessionals and said that plans are being made to expand their responsibilities.

NEED FOR SYSTEMATIC APPROACH FOR IDENTIFYING LITIGATION

The Department has not developed a systematic method for identifying potential litigative activity. Although the Department is the primary organization for enforcing Federal voting rights laws, the potential volume of voting violations makes this task difficult for the Department to perform alone. Enforcement of the special provisions of the Voting Rights Act is given priority in the Voting Section in order to meet the act's various statutory requirements. However, Department officials stated that this priority and the increasing number of voting rights suits filed against the Department has limited their efforts to identify and pursue litigation. Department attorneys stated that between 10 and 25 percent of their time is spent on nonlitigative matters related to enforcing the special provisions.

Department attorneys said that no formal procedures existed for identifying private litigation in the voting rights area. Monitoring the existence of private voting rights litigation may be useful in determining where the Department might best direct a litigative effort under the Voting Rights Act. Attorneys acknowledged a need for such monitoring, but said they were generally made aware of all significant private litigation in their jurisdictions through their minority contacts. However, our analysis showed that the Department does not have contacts in all covered jurisdictions. Consequently, the Department may not be aware of all significant private litigation.

CENSUS BUREAU'S BIENNIAL SURVEY MAY HAVE LIMITED USEFULNESS

Under the Voting Rights Act, the Bureau of the Census has responsibility for conducting biennial surveys (concurrent with congressional election years) of jurisdictions covered under the act's preclearance requirements to assist the Department of Justice in identifying those jurisdictions with voting problems and to provide the Congress with data to measure the impact of the act. Although the surveys will provide the Congress with some impact data, they are costly and are of limited use in assisting the Department of Justice in identifying potential litigative matters.

The Bureau of the Census surveyed the 1976 elections to obtain participation data. Differing interpretations of the legislative requirements for the survey and insufficient leadtime, according to Census Bureau offficials, resulted in an inadequate survey costing approximately $4 million.

The Census Bureau has estimated that the more detailed, legislatively required survey would cost $44 million. To avoid such a cost every 2 years, the Census Bureau, in February 1977, developed a legislative proposal which recommended the surveys be performed every 4 years rather than every 2 years. The proposal stated further that registration and voting participation rates differ significantly between Presidential and non-Presidential election years and that biennial surveys would result in statistics that have the potential for misleading conclusions. The proposal was never forwarded to the Congress.

Department of Justice officials said that, based on conversations with Census Bureau officials, the survey statistics will only provide indications of voting problems. They believe that the litigative staff would have to investigate the alleged voting improprieties for actual verification; yet no funds have been provided for this increased workload. Nevertheless, the Department's Voting Section officials believe the surveys may be useful to the Congress for assessing the need for voting rights enforcement efforts. However, they pointed out that if the ultimate goal is to identify and eliminate voting improprieties, consideration should be given to budgeting the $44 million for investigation and litigation rather than for an election survey.

CONCLUSIONS

The Voting Rights Act strengthened the Attorney General's authority to sue to protect individuals' voting rights. Not only is litigative authority essential to enforce the act's preclearance provisions, it is also essential for challenging discriminatory laws and practices in jurisdictions not covered by the special provisions.

The litigative capacity of the Voting Section has been hampered, however, by the staff attorneys' involvement in nonlitigative matters, such as monitoring the examiner and observer programs and the limited use of paraprofessionals to assist in litigative activities. Additionally, the Voting Section lacks a systematic approach for identifying litigative matters beyond their present limited capabilities.

Although the Congress has legislatively mandated the Bureau of the Census to perform biennial surveys to identify voting problems, the initial survey was inadequate and of limited use to the Department in identifying potential litigative matters. The estimated $44 million that a useful survey would cost may be too expensive in light of the Department of Justice's ability to use its results for litigation.

RECOMMENDATIONS

We recommend that the Attorney General, before reassessing staff requirements for the Voting Section,

--expand the Voting Section paraprofessionals' responsibilities to allow attorneys more time to be involved in litigative matters and

--develop and initiate a systematic approach to more extensively identify litigative matters in the voting rights area.

MATTER FOR CONSIDERATION BY THE CONGRESS

We believe the Congress should reassess the adequacy and need for the biennial survey mandated by the Voting Rights Act in light of its limited usefulness and substantial costs.

CHAPTER 6

MINORITY LANGUAGE PROVISIONS COULD BE MORE EFFECTIVE

To assess the implementation, status, and impact of the Voting Rights Act minority language provisions, information was obtained from State and local election officials in the 30 States affected by these provisions. Minority group representatives were interviewed in many of the covered jurisdictions.

Most of the persons contacted indicated that language minority voter assistance is needed but stated that several factors have inhibited the provisions' full implementation. Their observations frequently included comments that

--formulas for determining language minority group coverage have, in some cases, not identified the minority population needing assistance;

--little authority exists for enforcement of the minority language provisions in jurisdictions not subject to preclearance of minority language compliance plans;

--the Department's implementation guidelines are difficult to interpret and the Department gives little guidance for developing and implementing compliance plans and approaches for providing minority language assistance; and

--comprehensive evaluation of the language provisions cannot be made because cost, dissemination, and usage data have not been maintained.

MINORITY LANGUAGE PROVISIONS

On August 6, 1975, the Voting Rights Act was again amended to expand coverage of its special provisions and to require bilingual elections in certain areas with language minorities.

Implementation guidelines for minority language provisions

The Department's Voting Section has the primary responsibility for enforcing the minority language provisions in jurisdictions that are also subject to the special provisions. Additionally, the U.S. attorney's offices have been

assigned responsibility by the Deputy Attorney General for monitoring minority language compliance in covered jurisdictions not subject to the act's special provisions. (See app. V.)

The Department published interim implementation guidelines in October 1975, proposed final guidelines in April 1976, and the final guidelines in July 1976. According to the Department's final implementation guidelines, the objective of the act's language provisions are to enable members of language minority groups to participate effectively in the electoral process. A language minority or a language minority group is defined as American Indian; Asian American, which includes Chinese, Filipino, Japanese, and Korean American citizens; Alaskan Natives; or persons of Spanish heritage. The language provisions apply to registration for and voting in any type of election, whether it is a primary, general, or special election. Federal, State, and local elections are covered as are elections of special districts, such as school board elections.

While the guidelines state that each jurisdiction is responsible for determining what is required for compliance, they do offer some guidance and interpretation of the act for jurisdictions to follow. The guidelines state that the act's requirements should be

> "* * *broadly construed to apply to all stages of the electoral process from voter registration through activities related to conducting elections * * *."

Concerning the conduct of elections, the guidelines state that whenever a covered jurisdiction 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 English. If the predominant language is historically unwritten, for example, for the Alaskan Natives and some American Indians, the jurisdiction is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

The guidelines further state that in planning compliance, a jurisdiction may (1) where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness and (2) use a targeting system (a system which provides materials and assistance to less than all persons) if it meets the needs of the applicable language minority group.

COVERAGE FORMULAS INHIBIT EFFECTIVE IMPLEMENTATION

According to many election officials and minority representatives contacted, the coverage formulas used to subject jurisdictions to the language provisions of the act were one of the major factors inhibiting effective implementation. They stated that, in some cases, the formulas did not identify the minority population needing assistance. The minority representatives also indicated the formulas provided for minimal authority for Department of Justice enforcement in jurisdictions covered by the minority language provisions but not subject to the preclearance of compliance plans.

As discussed in chapter 1, there are two different coverage formulas for determining when the minority language provisions of the act may be applied to jurisdictions throughout the country. Jurisdictions are covered automatically if they meet one or both of the following formulas:

--More than 5 percent of the citizens of voting age in the jurisdiction were members of a single language minority group on November 1, 1972, and the jurisdiction provided registration and election materials only in English on November 1, 1972 (that is, maintained a test or device as defined in the 1975 amendments), and less than 50 percent of the citizens of voting age voted in the 1972 Presidential election;

--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.

Jurisdictions covered by the latter formula are subject only to minority language provisions while those covered by the other formula are subject to both the special provisions (i.e., preclearance of changes affecting voting, etc.) and the minority language provisions. (See app. V.)

Minority populations needing assistance may not be identified

The act's formulas provide assistance in jurisdictions with a single language minority group constituting more than 5 percent of the voting age citizens. Because of the varied population sizes, however, a jurisdiction having a voting population size of 100 would require only five minority

language voting age citizens to fall under the act's requirements. In a jurisdiction with a large population (e.g., 100,000) there may be substantial need for coverage but the jurisdiction may not meet the 5-percent provision.

For example, Honolulu County, Hawaii, is covered because its Japanese, Filipino, and Chinese populations satisfy the 5-percent formula. Its Korean population in 1976 was 5,762 but because it made up only 1.3 percent of the county's total population, the Korean language was not covered. Hawaii County is covered by the 5-percent formula for the Japanese and Filipino populations. Its Filipino population (5,466), however, was less than the Korean population in Honolulu County. According to the Lieutenant Governor of Hawaii, Japanese and Chinese do receive assistance although they may not need it; conversely, Koreans who may need assistance would not receive it under the formula requirements.

We believe that the coverage formula should be modified to reflect language group needs and not necessarily be limited to a percentage formula.

Coverage determination affects enforcement

The formula under which a jurisdiction is covered determines, to a great extent, the type of enforcement activity performed by the Department of Justice. For instance, only jurisdictions subject to the special provisions as well as the minority language provisions must submit election law changes and bilingual plans to the Attorney General for preclearance before implementation. Through the preclearance review process, the Department can determine the adequacy of targeting systems and implementation plans.

Conversely, jurisdictions subject only to the minority language provisions are not required to submit voting law changes or minority language compliance measures for preclearance. Most minority persons contacted believed that this weakens the Department of Justice's enforcement authority.

In assessing the Department's enforcement activity in jurisdictions subject only to the minority language provisions, we interviewed in April 1977, 6 of the 43 U.S. attorneys having enforcement responsibility for jurisdictions only subject to the minority language provisions as well as officials in Department headquarters. We also reviewed the

Department's files to obtain correspondence from U.S. attorneys regarding their monitoring activity. Our review revealed little activity in this enforcement area.

All the attorneys contacted stated that no formal monitoring efforts had been initiated. Three of the six attorneys interviewed were unaware of their responsibilities under the act and only two had performed any type of enforcement activity. One of these had requested the Federal Bureau of Investigation to perform investigations in the affected jurisdictions, but he had not received a report or any information back at the time of our interview. The other attorney had contacted county clerks and registrars in the covered jurisdictions to obtain available information regarding minority language implementation but also had not received any responses. Both attorneys stated they did not know whether the information requested would be sufficient to adequately monitor compliance with the provisions. Most of the attorneys contacted indicated that the monitoring of the language provisions was of low priority in their office and should probably be handled by the Voting Section.

Department headquarters officials stated they were unaware of any formally developed plans by the U.S. attorneys to enforce the language provisions. They also noted that the Department's monitoring authority is limited in jurisdictions subject only to the language provisions due to the absence of the preclearance requirement. The officials further stated that in the case of these jurisdictions a change in the law would be necessary to have the Attorney General require preclearance of minority language measures.

STATE AND LOCAL ELECTION OFFICIALS NEED ASSISTANCE FROM THE DEPARTMENT OF JUSTICE

Many election officials contacted indicated that they were unsure as to what would meet the act's language requirements. They felt that existing guidelines were vague and that the Department needed to give more assistance on developing compliance approaches.

For example, the guidelines indicated that plans which provide language assistance to less than all persons might meet compliance requirements, but it does not specify how language needs could be determined nor does it explain what an effective alternative method might be. Additionally, while the interim guidelines suggested development of a compliance plan, the final guidelines did not. Department

officials said this requirement was deleted from the final guidelines because a consensus could not be reached on what to include in a compliance plan.

Our analysis of the information obtained from election officials also showed that (1) some jurisdictions had developed costly compliance plans while others had made limited or no attempts to develop a plan, (2) different methods were used to assess language minority needs, of which several were very questionable, and (3) varying degrees of assistance were provided to minority language voters.

Department officials said that they had developed broad guidelines and had provided limited technical assistance to jurisdictions because of potential conflict which may arise if they litigate to enforce compliance.

Varying approaches in covered jurisdictions

Recognizing that a jurisdiction intending to comply with the language provisions would have some type of planned approach, we contacted the 30 covered States to determine whether they had developed a formal compliance plan and to ascertain their progress and problems related to implementing the language provisions. (See app. XIII.)

According to most election officials contacted, the guidelines should have been more specific, especially regarding compliance plans, methods of performing needs assessments, and types of registration and voting assistance required. Furthermore, they indicated that the Department provided minimal guidance for developing and implementing methods for meeting the act's requirements.

Not only did 24 of 30 States report they had not developed a plan, most State officials were unsure what the Department might and might not accept as complying with the act. For example, California State officials stated that they contacted Department officials to obtain interpretations of the guidelines, but the Department provided little guidance. California officials subsequently outlined a general approach for compliance and submitted it to the Department of Justice for approval. The Department did not, however, formally approve or comment on whether the approach was in compliance with the law.

Hawaii was also not sure how to comply with the act. State officials said they requested the Department to approve the use of facsimile ballots in areas

identified as having large minority populations to avoid using more expensive composite multilingual ballots. While the Department concurred with the State that the facsimile ballots seemed like the logical approach, they stated that Department of Justice approval would in no way shield the State from future litigation.

Of the six States that responded as having a plan, only Hawaii and Alaska specified their approach. Hawaii made a statewide population survey to determine target areas for concentration on multilingual efforts and Alaska developed its plan based on discussions with native groups to determine how to meet the groups' needs as well as fulfill the minority language provisions.

Varying methods used for assessing minority language needs

Of the 149 local jurisdictions contacted, 133 offered some assistance--oral, written, or both--but they used different approaches to offering assistance. Jurisdictions used either a blanket approach, making language minority materials and/or assistance available to the entire population of registered voters or a target approach, making language minority materials and/or assistance available on a selected coverage basis. When targeting was used, the jurisdiction selected coverage based on a needs assessment performed through any number of means such as (1) census data, (2) precinct official assessment, (3) index of registered voters, (4) preference indicated by voters on return postcards or sign-in rosters, (5) intuition, and (6) minority group representative assessment.

A recent study, funded by California to report on statewide voting rights activities assessed the disadvantages of each method. The report noted:

--Census data was collected in 1969 and, since that time, California's population has increased 8 percent, with the Spanish origin population increasing 25 percent. Also, Spanish surnames do not necessarily identify those who need assistance because they cannot read or speak English.

--Precinct official assessment is imprecise because many precinct officials do not speak the language and are therefore not qualified to make abstract assessments of language assistance needs.

Additionally, the information generated by this survey is suspect because it is mainly subjective and generally lacks verification.

--The index of registered voters method considers only registered voters, thus ignoring possible needs of unregistered persons.

--Language preference postcard method does not accurately measure language need because voters illiterate in English or reared in the oral tradition of their mother tongue may simply not understand the postcard's significance and fail to return it.

--Intuition is arbitrary unless guided by other tools of need estimation (census or registration files).

The report stated that language minority community group assistance in locating and determining language needs is the most effective method of targeting assistance.

Varying amounts of written assistance provided to voters

The act requires that whenever a covered jurisdiction provides any registration or voting notices, forms, instructions, assistance, or other materials or information, including ballots, it shall provide them in the language of the applicable language minority group as well as in English. Department guidelines do not, however, instruct jurisdictions to provide only that which is considered necessary. Depending on what the jurisdiction normally offered in English, written material, for example, could range from providing only minority language ballots to including all types of election material. Examples are: registration information; notices and instructions on voting; absentee, sample, and official ballots; and voter information booklets explaining propositions or constitutional amendments.

Most jurisdictions, although complying with the written requirements, said that many problems existed in providing written assistance: (1) increase in cost due to printing and translating, (2) lack of flexibility in giving immediate assistance, (3) problems in accommodating differences in language dialects, (4) waste because of materials being overprinted or underused, and (5) voter confusion because of different languages on the same ballot. These jurisdictions said that these problems could be reduced by providing only oral assistance. Many States and jurisdictions stated that

providing language assistance caused financial hardship. The 16 States and 124 jurisdictions that were able to identify some cost said that the minority language provisions increased their 1976 primary and/or general election costs by over $3.5 million. (See app. XIV.)

LACK OF DATA TO EVALUATE PROVISIONS' IMPACT AND EFFECTIVENESS

The act's minority language provisions do not require jurisdictions to accumulate cost, dissemination, or impact statistics which could be used to evaluate the efficiency and effectiveness of minority language assistance. Consequently, an effective cost/impact analysis was precluded by the lack of information on size of minority language group assisted, type and cost of the coverage approaches used, and the wide-ranging types of material and/or assistance offered. When States and local jurisdictions kept statistics, the differing plans for compliance resulted in varying cost accounting systems and accumulation of impact data that could not be compared.

Our survey showed 16 of the 30 States and 124 of the 149 local jurisdictions contacted maintained some cost information. (See app. XIV.) Information ranged from primary to general election costs and sometimes both but it was not uniform for all States or local jurisdictions. A variety of assistance was reported available from many States and local jurisdictions but they did not identify what or how much was available, nor did they indicate how, if at all, needs were determined. Our survey also showed that States' political subdivisions used different election procedures, making comparisons of State and local jurisdictions costs impossible.

Usage data was limited

Only a few States and local jurisdictions reported having performed a cost/impact study on the minority language provisions. As a result, most jurisdictions contacted were unable to provide information on requests for or use of the minority language material and assistance provided. Additional data needed for analysis, such as the quality and effectiveness of the jurisdiction's outreach in publicizing availability of language minority materials and assistance were not available. In addition, the population sizes to which this information was given and how it had been made available were unknown.

Most critical, however, is whether the assistance or material made available was needed. Only limited information

was available among the 149 local jurisdictions we contacted. (See app. XV.) Six jurisdictions reported they were providing no oral assistance. Fifty-one jurisdictions did not report whether oral assistance was offered. Of the 92 jurisdictions reporting that oral assistance was offered, 45 indicated oral assistance was requested in less than 10 instances and 9 indicated anywhere from 10 to 12,039 requests had been made. The remaining 38 did not know or keep information on requests for oral assistance.

Use of written materials was determined by the number of minority language ballots requested. Of the 104 covered local jurisdictions contacted that were subject to the written assistance provisions, 6 reported they were not providing written assistance, 10 did not report whether written assistance was offered, and 63 did not have usage data primarily because bilingual single-form ballots or machines were used. Of the 25 jurisdictions that did maintain statistics on the use of minority language ballots, 15 reported that less than 10 ballots were requested and 10 reported that anywhere from 11 to 726 minority language ballots were used in their jurisdiction.

CONCLUSIONS

Implementing the minority language provisions could be more effective if the Department of Justice would (1) further delineate what constitutes an effective compliance approach and provide more assistance to State and local officials and (2) seek the establishment of an information system on cost, dissemination, and usage statistics to evaluate the cost effectiveness of providing language assistance and to give proper feedback to election administrators on implementing the language provisions.

Many States and jurisdictions stated they incurred funding problems in meeting the additional election requirements placed on them by the language provisions.

In addition, the act's formula method for determining coverage resulted in some language groups receiving unneeded assistance with others in need not receiving help. Also, the formula limits the Federal Government's monitoring ability by not requiring all jurisdictions to preclear minority language compliance measures.

U.S. attorneys are responsible for monitoring minority language compliance in covered jurisdictions not subject to the act's special provisions. Our review has shown that their

monitoring efforts have been minimal and ineffective. Most of the attorneys contacted said that the monitoring of the language provision was a low priority and should probably be handled at the Department headquarters by the Voting Section. Because the Voting Section has primary voting rights responsibilities and is familiar with minority voting problems, it may be in a better position to monitor the language provision. This approach would increase the overall effectiveness of monitoring operations because it would allow for needed overview on the problems and progress experienced by the various jurisdictions.

In commenting on our draft report, the Assistant Attorney General for the Civil Rights Division stated that they are currently studying this matter; however, a decision has not yet been reached.

RECOMMENDATIONS

To improve the effectiveness of the act's implementation, we recommend that the Attorney General:

--Consider placing responsibility for enforcing compliance in jurisdictions subject only to the language provisions with the Department of Justice's Civil Rights Division at headquarters rather than U.S. attorney's offices.

--Assist election administrators in developing compliance plans and performing needs assessments; determine what clarifications are needed to the implementation guidelines; and, if necessary, modify them accordingly.

--Seek the establishment of an information system which would include cost, dissemination, and usage data to evaluate the cost effectiveness of various methods of providing language assistance and to give proper feedback to election administrators to assist them in providing effective minority language assistance. At a minimum, he should attempt to seek periodic collection of this information for analysis purposes.

--Assess to what extent financial hardships are incurred in implementing the language provisions to determine if Federal funds are necessary to assist States and jurisdictions in effectively implementing these provisions.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress should consider (1) establishing a coverage requirement based on a jurisdiction's needs rather than just a percentage coverage formula and (2) requiring all States and jurisdictions covered by the language provisions to preclear minority language measures.

CHAPTER 7

SCOPE OF REVIEW

Our review was directed toward assessing the implementation and impact of the Voting Rights Act of 1965, as amended, with particular emphasis on the Department of Justice's enforcement of the special and minority language provisions.

Policies, regulations, practices, and procedures for administering the Voting Rights Act program were reviewed at the Department of Justice in Washington, D.C. A stratified statistical sample of election law changes, submitted to the Department during the period February through September 1976, was also analyzed. (See app. XVI.) Officials were interviewed at Department of Justice headquarters and at U.S. attorney's offices in Arizona, California, New Mexico, and Texas.

Additionally, we interviewed officials and reviewed related activities of the Civil Service Commission in Washington, D.C., and at its field offices in Georgia and Texas. We also interviewed persons appointed by CSC who had served as examiners and observers. Further, Bureau of the Census officials in Washington, D.C., were also interviewed.

To obtain State and local election officials' views on the requirements and implementation of the act's provisions, we mailed and/or administered questionnaires to State election officials in the 30 States covered by the bilingual provisions of the act. Local election officials in 149 of the 505 covered bilingual jurisdictions were questioned by mail, telephone, or field visit. (See app. XVII.)

We also interviewed 112 election officials in the 11 States with jurisdictions subject to the election law preclearance provisions and, in most instances, designated for examiner activity; 11 officials were at the State level and 101 represented local jurisdictions. (See app. XVIII.)

To obtain the perspective of those directly affected by the act, we interviewed 31 minority organization officials and 67 private citizens with expressed interest in minority voting rights in covered jurisdictions in 11 States. We also interviewed individuals representing the following groups: U.S. Commission on Civil Rights, U.S. Federal Election Commission, Mexican American Legal Defense and Educational Fund, Chinese for Affirmative Action, Mexican American

Equal Rights Project, the Southwest Voter Registration Education Project, the Joint Center for Political Studies, and the Voter Education Project.

APPENDIX I

August 26, 1976

The Honorable Elmer B. Staats
Comptroller General of the
United States
General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Staats:

The Voting Rights Act of 1965 has been hailed by many to be the most effective civil rights legislation ever passed. In 1975, my Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee was responsible for the successful legislation which extended the Act's special provisions for an additional seven years, made permanent the 1970 temporary ban on literacy tests and other devices, and expanded the coverage of the Act to new geographical areas to protect language minority citizens.

Under the provisions of the Voting Rights Act, covered states and political subdivisions are subject to a series of special statutory remedies. Included among these remedies are:

(1) Section 5 of the Act requires review of all voting changes prior to implementation by the covered jurisdictions. The review may be conducted by either the United States District Court for the District of Columbia or by the Attorney General of the United States.

(2) Jurisdictions covered by the statutory formula are subject to the appointment of Federal examiners (Section 6). However, the appointment of examiners is not automatic. The Attorney General must determine into which localities examiners should be sent, and Section 6(b) sets standards to guide the exercise of his discretion. Examiners prepare lists of applicants eligible to vote whom state officials are required to register.

(3) Under Section 8 of the Act, whenever Federal examiners are serving in a particular area, the Attorney General may request the Civil Service Commission to assign one or more persons to observe the conduct of an election. These Federal observers monitor the casting and counting of ballots.

My Subcommittee continues to exercise oversight jurisdiction for the enforcement of the Voting Rights Act by the Department of Justice, and plans to carefully monitor the progress of the Act in removing the barriers to full electoral participation by minority citizens. To assist in our study, we would like to request that the General Accounting Office conduct a study of the implementation of the Voting Rights Act's special provisions.

The focus of the study should analyze, evaluate and make recommendations on the major issues described in the attached outline as agreed to by representatives of my Subcommittee staff and GAO. Since many areas of concern to the Subcommittee deal with the perception of the minority communities protected by the Act, the inquiry should include contact with minority community organizations and interested parties involved in the area of voting rights.

APPENDIX I

If I can be of any assistance in this project, I hope you will contact me. Thank you for your continued cooperation.

Sincerely,

Don Edwards

Don Edwards
Chairman
Subcommittee on Civil
and Constitutional Rights

DE:vs

Enclosure

APPENDIX II

DANIEL K. INOUYE
HAWAII

United States Senate

WASHINGTON, D.C. 20510

March 8, 1977

Mr. Elmer B. Staats
Comptroller General of the United
States
General Accounting Office
Washington, D. C. 20548

Dear Mr. Staats:

I am informed that the State of Hawaii and its political subdivisions expended some $500,000 in implementing the provisions of the Voting Rights Act Amendments of 1975 in conducting the special language assistance programs in Cantonese, Ilocano and Japanese. As a result of these expenditures, some 17 foreign language ballots were utilized in the primary and some 174 in the general election in these three languages. Additionally, some 2,100 received oral assistance in these languages.

Because of the high cost and the small number of individuals utilizing the foreign language ballots, I would appreciate action by GAO to survey the affected jurisdictions to determine the cost to those jurisdictions of implementing the 1975 Amendments and the number of individuals assisted with written and oral techniques.

The summary of the State of Hawaii assistance record is attached.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI:bhm
Enclosure

APPENDIX III

WILLIAM M. KETCHUM
[illegible]

[illegible]

ADMINISTRATIVE ASSISTANT
CHRISTOPHER C. BEDROSIAN

DISTRICT REPRESENTATIVE
WILLIAM H. CRAVER

Congress of the United States
House of Representatives
Washington, D.C. 20515
COMMITTEE ON WAYS AND MEANS

[illegible]

[illegible]

March 8, 1977

Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Staats:

I am writing to request that the General Accounting Office undertake a study of the cost effectiveness of the bilingual provisions of the 1975 Voting Rights Act Amendments.

While I am aware that the GAO is currently looking into the Voting Rights Act as a whole at the request of Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights, I believe that the bilingual provisions merit special attention. It has been my experience with the covered counties in California that thousands of additional tax dollars have been spent to comply with the provisions of the law while less than 1% of the voting population in a given area have made use of bilingual ballots or election material.

We must find out, as quickly as possible, if this is the trend nation-wide. Congress needs to have this information so it may properly evaluate the worthiness of the law and act to remedy any undue regulation and expense it has imposed on the American people. I ask the GAO's assistance in promptly carrying out this task.

Thank you for your attention to this matter and I look forward to hearing from you at your earliest convenience.

Sincerely,

WILLIAM M. KETCHUM
Member of Congress

WMK:jm

APPENDIX IV

FUNCTIONS OF FEDERAL AGENCIES RESPONSIBLE FOR ADMINISTERING THE VOTING RIGHTS ACT, AS AMENDED

Department of Justice

--Determination of covered States and jurisdictions.
--Preclearance of election law changes, including bilingual plans.
--Administration of examiner and observer program
--Litigation.
--Monitor compliance activities of jurisdictions required to provide minority language assistance.

Civil Service Commission

--Selection and provision of examiner and observers upon Department of Justice request.
--Report on examiner and observer activity to the Department of Justice.

Bureau of the Census

--Development of statistics for coverage determinations.
--Special studies upon request from Civil Rights Commission.
--Biennial surveys of registration and voting in every State or jurisdiction covered by the special provisions.

JURISDICTIONS COVERED UNDER THE SPECIAL AND/OR MINORITY LANGUAGE PROVISIONS

State	Formulas 1/2 special provisions (note a)	Formula 3 special/ minority language provisions (note b)	Formula 4 minority language provisions (note c)	Total number covered
Alabama (note d)	67	0	0	67
Alaska (note e)	0	22	0	22
Arizona (note e)	0	14	0	14
California	1 (1)	3	35	39
Colorado	0	1	33	34
Connecticut	3	0	1	4
Florida	0	5	2	7
Georgia (note d)	159	0	0	159
Hawaii	1 (1)	0	3	4
Idaho	1	0	2	3
Kansas	0	0	3	3
Louisiana (note d)	64 (1)	0	0	64
Maine	0	0	1	1
Massachusetts	9	0	0	9
Michigan	0	3	6	9
Minnesota	0	0	2	2
Mississippi (note d)	82 (1)	0	0	82
Montana	0	0	7	7
Nebraska	0	0	2	2
Nevada	0	0	4	4
New Hampshire	10	0	0	10
New Mexico	0	0	32	32
New York	1 (1)	2	0	3
North Carolina	39 (2)	1	1	41
North Dakota	0	0	5	5
Oklahoma	0	2	23	25
Oregon	0	0	2	2
South Carolina (note d)	46	0	0	46
South Dakota	0	2	6	8
Texas (note e)	0	254	0	254
Utah	0	0	4	4
Virginia (note d)	134 (1)	0	0	134
Washington	0	0	5	5
Wisconsin	0	0	4	4
Wyoming	1	0	5	6
Total	618 (8)	309	188	1,115

a/Parenthetical number(s) indicates jurisdictions that were later brought under formula 4--minority language provisions coverage because of the 1975 amendments.

b/Jurisdictions previously covered by formula 1 or 2 and were later covered by formula 3 are included only in this column.

c/Jurisdictions identified in note a are not included in this column. Jurisdictions are not subject to the special provisions.

d/All jurisdictions in State covered under the special provisions.

e/All jurisdictions in State covered under the special and minority language provisions.

APPENDIX VI

VOTING SECTION PROFESSIONAL AND PARAPROFESSIONAL STAFFING AS OF JULY 1977

Chief

Deputy Chief (note a)

Submission Unit	Litigative Staff
1 Senior Attorney Adviser (note b)	1 Assistant for Litigation
1 Paraprofessional Director	13 Attorneys
11 Paraprofessionals	2 Paraprofessionals

a/Responsible for administration of the Voting Section and election coverage activity.

b/Also performs litigative activity.

DESCRIPTION OF THE ELECTION

LAW REVIEW PROCESS

LOGGING SUBMISSIONS

Responsibility for logging in submissions received in the Voting Section is assigned to paraprofessionals on a rotating basis. The procedure involves completing a card in triplicate for use as (1) a label for the submission file to be maintained, (2) input data for computer listings, and (3) a control card for compliance followup. Each completed card provides the type of change(s) in the submission, the identification number (change number) assigned each change in the submission, the date of submission receipt in the Submission Unit, the estimated review completion date, description of submitting jurisdiction, and the name of the paraprofessional assigned the submission.

ASSIGNING CHANGE

Paraprofessional director assigns the submission to a paraprofessional giving consideration to the geographical origin and complexity of the change and to the experience of the paraprofessional.

REVIEWING SUBMISSIONS

Under the supervision of the paraprofessional director and the attorney advisor, the paraprofessional reviews the submission. He or she determines what changes affecting voting are included in the submission, whether they are reviewable under Section 5 at the time, and what information is needed for a determination under Section 5. He or she then conducts demographic research, contacts minorities in the affected area and officials of the submitting authority, and conducts other research, as needed. On the basis of this research and analysis a letter that incorporates the disposition recommended by the paraprofessional, with a supporting memorandum, is prepared. The recommendation will be that the submission cannot be reviewed under Section 5 at the time, that additional information should be requested, that no objection should be interposed, or that an objection should be interposed. The submission is then reviewed by the paraprofessional director and by the attorney advisor. The attorney advisor makes the final decision except with respect to recommended objections and other submissions presenting unresolved issues of policy or other unusual problems. In those instances the final

decision is made by the Chief of the Voting Section or the Assistant Attorney General with the advice of the Deputy Assistant Attorney General. In rare cases the Attorney General or his deputy makes the final decision.

NUMBER OF SUBMISSION OBJECTIONS BY STATE FROM AUGUST 6, 1965, TO NOVEMBER 1, 1976

State	1965-70	1971	1972	1973	1974	1975	1976	Total
Alabama	11	2	6	1	2	5	9	36
Arizona (note a)	0	0	0	1	0	1	1	3
California (note a)	0	0	0	0	0	0	1	1
Georgia	4	5	11	8	9	12	6	55
Louisiana	2	19	8	6	2	3	2	42
Mississippi	4	16	4	7	2	9	4	46
New York (note a)	0	0	0	0	1	0	0	1
North Carolina (note a)	0	6	0	0	0	3	0	9
South Carolina	0	0	4	3	14	1	3	25
Texas	0	0	0	0	0	2	26	28
Virginia	1	5	1	0	3	1	0	11
Total	22	53	34	26	33	37	52	257

a/Selected county(ies) covered rather than entire State.

NUMBER OF CHANGES BY TYPE SUBMITTED AND REVIEWED BY THE DEPARTMENT OF JUSTICE FROM AUGUST 6, 1965, TO NOVEMBER 1, 1976

Change	1965-1970	1971	1972	1973	1974	1975	1976	Total
Redistricting	43	201	97	47	55	53	238	734
Annexation	11	256	272	242	244	571	1,340	2,936
Polling place	45	174	127	131	154	408	1,905	2,944
Precinct	51	144	69	55	81	82	554	1,036
Reregistration	3	52	15	6	4	46	136	262
Incorporation	1	4	1	3	1	5	13	28
Election law	311	226	332	258	422	620	1,718	3,887
Miscellaneous	25	15	26	99	12	65	162	404
Erroneous submission	88	46	3	9	15	206	92	459
Bilingual	-	-	-	-	-	22	721	743
Total	578	1,118	942	850	988	2,078	6,879	13,433

DESCRIPTION OF THE THREE PHASES

INVOLVED IN A COMPREHENSIVE PREELECTION SURVEY

1. The attorney assigned to coordinate and execute a particular preelection survey modifies a standardized sheet of questions. These questions are reviewed by the Deputy Chief of the Voting Section and then distributed to paraprofessionals to make initial phone calls to selected jurisdictions.

2. Followup phone calls by attorneys to jurisdictions selected by the Deputy Chief of the Voting Section and attorneys generally based on information obtained in phase 1.

3. Onsite visits by attorneys to jurisdictions selected by the Deputy Chief of the Voting Section and the attorneys generally based on information obtained in phase 2. Visits are made just prior to the election to obtain information on election procedures to be followed, the location of polling places, and the assistance to be provided illiterates. The attorneys then file formal reports which include recommendations as to the need for and number of observers and their placement.

CSC ESTIMATED BUDGET OUTLAY

EXAMINER/OBSERVER PROGRAMS

Fiscal year	Examiner		Observers	Total
	Listing	Complaints (note a)		
	(000s omitted)			
1966(note b)	$ 444	$ 42	$ 495	$ 981
1967	204	-	505	709
1968	119	-	842	961
1969	219	48	410	677
1970	94	65	165	324
1971	110	33	229	372
1972	133	10	747	890
1973	125	71	252	448
1974	90	50	96	236
1975	134	52	139	325
1976(note c)	63	40	1,093	1,196
Total	$1,735	$411	$4,973	$7,119

a/Except for fiscal year 1966, complaints examiner costs for all regional offices by fiscal year were not available at CSC headquarters. The cost data shown from fiscal years 1967-76 reflects only complaints examiner costs incurred by CSC, Atlanta regional office, based on informal records. No other data was available for those years at other regional offices.

b/Beginning August 6,-1965.

c/Includes budget outlays for 15 months because of change in the U.S. Government's fiscal year.

NUMBER AND DETAILED LISTING

OF VOTING SECTION LITIGATION CASES (note a)

Calendar year	Total number of cases (note b)	Party status		Amicus Curiae (note c)
		Plaintiff	Defendent	
1965-70 (note d)	70 (13)	37 (7)	21 (2)	12 (4)
1971	14 (7)	6 (4)	5 (1)	3 (2)
1972	13 (13)	5 (5)	4 (4)	4 (4)
1973	12 (7)	7 (5)	4 (2)	1
1974	12 (7)	8 (5)	4 (2)	0
1975	13 (5)	6 (3)	6 (1)	1 (1)
1976	28 (18)	10 (7)	10 (5)	8 (6)
1977 (note e)	15 (12)	8 (7)	3 (2)	4 (3)
Total (note f)	177 (82)	87 (43)	57 (19)	33 (20)

a/A voting section devoted to enforcement of civil rights voting laws was not created until 1969. At that time the Voting and Public Accommodations Section was created. In 1974 the Voting Section became a separate section in the Civil Rights Division.

b/Parentheses represent the number of preclearance cases.

c/Friend of the court, volunteers information upon some matter of law. Some of these case were handled by the Division's Appellate Section with contributions made by the Voting Section.

d/Beginning August 6, 1965.

e/Through June 8, 1977.

f/In commenting on our draft report, the Attorney General for the Civil Rights Division stated that some cases were counted twice or were part of the same case. He stated, however, that the listing gives a fair approximation of the Division's Voting-connected litigation volume and a time-consuming effort designed to produce a verifiably accurate master list would not alter the conclusions to be drawn or be productive to present enforcement efforts.

LISTING OF VOTING SECTION LITIGATION (note a)

CASES WHERE DEPARTMENT OF JUSTICE WAS PLAINTIFF (87 cases)

Case title	Date filed	Political jurisdiction
U.S. v. Mississippi	8-07-65	Mississippi
U.S. v. Commonwealth of Virginia	8-10-65	Virginia
U.S. v. Alabama	8-10-65	Alabama
U.S. v. Texas	8-10-65	Texas
U.S. v. Ward (Madison Parish, Louisiana)	8- -65 (note e)	Madison Parish, Louisiana
U.S. v. Board of Elections of Monroe County, New York	10-06-65	Monroe County, New York
U.S. v. Louisiana	10-15-65	Louisiana
U.S. v. Harvey	12-17-65	Louisiana (note b)
U.S. v. Ramsey	-65 (note e)	Clark County, Mississippi
U.S. v. Lynd	-65 (note e)	Mississippi
U.S. v. Mississippi, et al.	1-10-66	Mississippi
U.S. v. Crook et al. (Bullock County) (note c)	3-22-66	Bullock County, Alabama
U.S. v. Democratic Committee, Dallas County et al.	5-05-66	Dallas County, Alabama
U.S. v. Executive Democratic Party of Marengo County	5-18-66	Marengo County, Alabama

Case title	Date filed	Political jurisdiction
U.S. v. Executive Committee of the Democratic Party of Green and Sumter Counties, Alabama	5-18-66	Green and Sumter Counties, Alabama
U.S. v. Executive Committee of Democratic Party of Clarendon County, et al.	6-27-66	Clarendon County, South Carolina
U.S. v. Attaway	-66 (note e)	Georgia (note b)
U.S. v. Brantly	-66 (note e)	Georgia (note b)
U.S. v. Clement	-66 (note e)	Louisiana (note b)
U.S. v. Palmer	-66 (note e)	Louisiana (note b)
U.S. v. Post (Madison Parish)	1-09-67	Madison Parish, Louisiana
U.S. v. Bowers (note c)	10- -67 (note e)	Mississippi (note b)
U.S. v. Lake County, Indiana Board of Elections	11-06-67	Lake County, Indiana
U.S. v. Executive Committee of Democratic Party of LeFlore County	12-11-67	(note d)
U.S. v. Homes County, Mississippi	-67 (note e)	Mississippi (note b)
U.S. v. Post (Madison Parish)	2-23-67	Tallulah, Madison Parish, Louisiana
U.S. v. Dfmocratic Executive Committee of Wilcox County (note f)	5-02-68	Wilcox County, Alabama
In Re Herndon	11-19-68	Greene County, Alabama
Zeigler and U.S. v. Catahoula Parish Police Jury (note c)	12-11-68	Catahoula Parish, Louisiana

APPENDIX XII

APPENDIX XII

Case title	Date filed	Political jurisdiction
U.S. v. Shannon (Coahoma) (note c)	5-17-69	Friars Point, Coahoma, Mississippi
U.S. v. Democratic Executive Committee of Wilcox County, Alabama (note c)	6-03-70	Wilcox County, Alabama
U.S. v. Bishop, et al. (Madison Parish)	6-08-70	Madison Parish, Louisiana
U.S. v. Arizona	8-17-70	Arizona
U.S. v. Idaho	8-17-70	Idaho
U.S. v. New Hampshire	8-19-70	New Hampshire
U.S. v. North Carolina	8-19-70	North Carolina
U.S. v. Board of Election Commission of Leake County (note c)	10-28-70	Leake County, Mississippi
U.S. v. Board of Supervisors of Hinds County (note c)	9-17-71	Hinds County, Mississippi
U.S. v. Pointe Coupee Parish Police Jury (note c)	10-18-71	Pointe Coupee Parish, Louisiana
U.S. v. Board of Election Commissioners of Marshall County, Mississippi	10-19-71	Marshall County, Mississippi
U.S. v. Cohan, Municipal Superintendant of Hinesville, Georgia (note c)	10-22-71	Hinesville, Liberty County, Georgia
U.S. v. Board of Election Commissioners of Leake County, Mississippi (note c)	10-28-71	Leake County, Mississippi

APPENDIX XII

APPENDIX XII

Case title	Date filed	Political jurisdiction
U.S. v. Humphreys County Board of Election Commission	12-28-71	Humphreys County, Mississippi
U.S. v. St. James Parish Police Jury, et al., Louisiana (note c)	1-28-72	St. James Parish, Louisiana
U.S. v. State of Georgia, et al. (note c)	3-27-72	State of Georgia
Zeagler v. Catahoula Parish Police Jury (note c)	5-04-72	Catahoula Parish, Lousiana
U.S. v. St. Mary Parish School Board, et al. (note c)	8-15-72	St. Mary Parish, Louisiana
U.S. v. Garner (note c)	8-21-72	Jonesboro, Georgia
U.S. v. Twiggs County, Georgia (note c)	1-24-73	Twiggs County, Georgia
U.S. v. Marshall County, Mississippi (note c)	1-26-73	Marshall County, Mississippi
U.S. v. Callicutt	4- 6-73	Marshall County, Mississippi
U.S. v. Fort Valley, Georgia (note c)	6-29-73	Fort Valley, Georgia
U.S. v. Rapides Parish, Louisiana (note c)	7-24-73	Rapides Parish, Louisiana
Stewart v. Waller	8- 6-73	State of Mississippi
U.S. v Warren County, Mississippi (note c)	10-31-73	Warren County, Mississippi
Perry v. City of Opelousas (note c)	1-07-74	Opelousas, Louisiana
Ferguson v. Winn Parish, Louisiana	1-14-74	Winn Parish, Louisiana

APPENDIX XII

Case title	Date filed	Political jurisdiction
U.S. v. Apache County, Arizona	1-23-74	Apache County, Arizona
U.S. v. Meriwether County, Georgia (note c)	8-09-74	Meriwether County, Georgia
U.S. v. Lancaster County, South Carolina (note c)	10-09-74	Lancaster County, South Carolina
U.S. v. Kemper County, Mississippi (note c)	11-01-74	Kemper County, Mississippi
U.S. v. Dallas County, Alabama	11-01-74	Dallas County, Alabama
Connor v. Coleman (note c)	-74 (note e)	Mississippi
U.S. v. Grenada County, Mississippi (note c)	5-14-75	Grenada County, Mississippi
U.S. v. Bolivar County, Mississippi (note c)	6-04-75	Bolivar County, Mississippi
Connor . Waller	6-11-75	State of Mississippi
U.S. v. City of Albany, Georgia, et al.	7-21-75	City of Albany, Georgia
U.S. v. The Board of Supervisors of Forrest County, Mississippi, et al. (note c)	7-21-75	Forrest County, Mississippi
U.S. v. The Democratic Executive Committee of Noxubee County, Mississippi, et al.	7-29-75	Noxubee County, Mississippi
U.S. v. The Board of Commissioners of Bessemer, Alabama, et al. (note c)	4-02-76	Bessemer, Alabama
U.S. v. County Commission of Hale County, Alabama, et al. (note c)	7-29-76	Hale County, Alabama

APPENDIX XII

Case title	Date filed	Political jurisdiction
U.S. v. Board of Commissioners of Sheffield, Alabama, et al. (note c)	8-09-76	City of Sheffield, Alabama
U.S. v. East Baton Rouge Parish School Board, et al.	8-16-76	East Baton Rouge Parish, Louisiana
U.S. v. The State of Georgia (note c)	9-17-76	State of Georgia
U.S. v. St. Landry Parish School Board (note c)	10-06-76	St. Landry Parish, Louisiana
U.S. v. State of Texas, et al.	10-14-76	State of Texas
U.S. v. The New York State Board of Elections, et al. (Overseas voting rights case)	10-30-76	State of New York
Garcia & U.S. v. Uvalde County, Texas (note c)	12-09-76	Uvalde County, Texas
DeHoyos, et al v. Crockett County, Texas, et al. (note c)	12-13-76	Crockett County, Texas
U.S. v. Interim Board of Trustees of the Westheimer ISD, Texas (note c)	1-20-77	Westheimer ISD, Texas
U.S. v. Board of Trustees of Midland Independent School District, et al. (note c)	3-24-77	Midland ISD, Texas
U.S. v. Hawkins ISD, et al. (note c)	3-26-77	Hawkins ISD, Texas
U.S. v. Trinity ISD, et al. (note c)	3-23-77	Trinity ISD, Texas
U.S. v. City of Kosciusko, Mississippi (note c)	4-09-77	City of Kosciusko, Mississippi

Case title	Date filed	Political jurisdiction
U.S. v. Board of Trustees of the Chapel Hill ISD (note c)	5-06-77	Chapel Hill ISD, Texas
U.S. v. City Commission of Texas City, Texas	5-13-77	City of Texas City, Texas
McCray v. Hucks (Horry County, South Carolina) (note c)	7-26-77	Horry County, South Carolina
CASES WHERE DEPARTMENT OF JUSTICE WAS DEFENDANT (57 cases)		
Gallinghouse v. Katzenbach	8-11-65	Louisiana (note b)
Perez v. Rhiddlehoover	8-31-65	Louisiana (note b)
South Carolina v. Katzenbach	9-29-65	South Carolina
McCann v. Paris	-65 (note e)	Virginia (note b)
Reynolds v. Katzenbach	-65 (note e)	Alabama (note b)
State Ex Rel Gremillion v. Roosa	-65 (note e)	Louisiana (note b)
Apache, Navajo, and Coconino Counties, Arizona v. U.S.	2-04-66	Apache, Navajo, and Coconino Counties, Arizona
Elmore County, Idaho v. U.S.	2-09-66	Elmore County, Idaho
Wake County, North Carolina v. U.S.	2-09-66	Wake County, North Carolina
Alaska v. U.S.	4-28-66	Alaska
Nash County, North Carolina v. U.S.	6-27-66	Nash County, North Carolina
Gaston County, North Carolina v. U.S.	8-11-66	Gaston County, North Carolina
Morgan v. Katzenbach	-66 (note e)	(note d)

APPENDIX XII

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Case title	Date filed	Political jurisdiction
State Ex Rel Mirhell v. Moore	4-12-67	Louisiana (note b)
Christopher v. Mitchell	6-23-70	(note d)
Perkins v. Kleindienst (note c)	6-30-70	Canton, Mississippi
Puishes v. Mann	7-27-70	California
Oregon v. Mitchell	8-03-70	Oregon
Texas v. Mitchell	8-03-70	Texas
Tartesona v. Mitchell	8-17-70	(note d)
Bifallis v. Mitchell	9-29-70	Florida
Scott v. Burkes	2-19-71	Leake County, Mississippi
Jefferson v. Cook	9-16-71	Madison County, Mississippi
Alaska v. U.S.	10-26-71	Four Alaska Election Districts
Common Cause v. Mitchell (note c)	11-23-71	State of Arizona
New York v. U.S.	12-03-71	Bronx, Kings & New York Counties, New York
City of Petersburg v. U.S. (note c)	3-17-72	Petersburg, Virginia
City of Richmond v. U.S. (note c)	8-25-72	Richmond, Virginia
Vance v. U.S. (note c)	7-31-72	State of Alabama
Harper v. Levi (note c)	8-10-72	State of South Carolina
Virginia v. U.S.	6-05-73	State of Virginia
Beer v. U.S. (note c)	7-25-73	New Orleans, Louisiana

Case title	Date filed	Political jurisdiction
New York v. U.S. (reopened)	11-05-73	Bronx, New York
Harper v. Kleindeist (note c)	-73 (note e)	South Carolina
Robinson v. Pottinger (note c)	2-20-74	Montgomery, Alabama
Griffith v. U.S.	4-26-74	Kings & New York Counties, New York
United Jewish Organization of Williamsburg, Inv. v. Saxbe (note c)	6-11-74	Kings Co., New York
Reppa v. Bainbridge, Saxbe, et al.	12-04-74	State of Indiana
Harris, et al v. Levi, et al. (note c)	7-18-75	Meriwether County, Georgia
Dolph Briscoe, et al. v. Levi, et al.	9-08-75	State of Texas
State of Maine v. U.S.	11-25-75	Maine
Chinese for Affirmative Action, et al. v. Lawrence J. Leguennec, et al., and United States	12-23-75	San Francisco, California
Yuba County, California v. U.S.	12-30-75	Yuba County, California
Jackson v. State of New Hampshire and U.S.	12-30-75	New Hampshire
Glynn County, Georgia v. U.S. (note c)	1-12-76	Glynn County, Georgia
State of New Mexico, Curry, McKinley & Otero Counties v. U.S.	1-12-76	Curry, McKinley & Otero Counties, New Mexico

Case title	Date filed	Political jurisdiction
Chinese for Affirmative Action, et al. v. Patterson, et al., and Levi, et al.	5-06-76	San Francisco, California
Wilkes County School District, et al. v. U.S. (note c)	6-14-76	Wilkes County, Georgia
Helen R. Simenson; Roosevelt County, Montana v. Levi, et al.	6-22-76	Roosevelt County, Montana
Counties of Choctaw, McCurtain, State of Oklahoma v. U.S.	7-06-76	Choctaw and McCurtain Counties, Oklahoma
Charles Whitfield v. U.S. (note c)	9-01-76	Grenada County, Mississippi
Benton Frost et al. v. Ouachita Parish, Levi, et al. (note c)	11-10-76	Ouachita Parish, Louisiana School Board
Independent School District No. 1 of Tulsa County, et al. v. Levi, et al.	11-12-76	Tulsa, Oklahoma ISD No. 1
City of Rome, et al. v. Levi, et al. (note c)	11-24-76	City of Rome, Georgia
Hereford Independent School District v. Levi (note c)	1-28-77	Hereford ISD, Texas
Board of County Commissioners of El Paso County, Colorado v. U.S.	2-01-77	El Paso County, Colorado
Hale County, et al. v. U.S. (note c)	2-16-77	Hale County, Alabama
CASES WHERE DEPARTMENT OF JUSTICE WAS AMICUS (33 cases)		
Simms v. Amos (note c)	9-11-65	State of Alabama

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Case title	Date filed	Political jurisdiction
Harper v. Virginia Board of Elections	1-25-66	Virginia
Dent v. Duncan	3-29-66	(note d)
Miles v. Dickson	6-15-66	(note d)
Gray v. Main	7-05-66	Alabama
Avery v. Midland County	-67 (note e)	Midland, Texas
Payne v. Lee	-67 (note e)	(note d)
Allen v. State Board of Elections (note c)	10-15-68	Virginia
Fairley v. Patterson (note c)	10-15-68	Mississippi
Hadnott v. Amos (note c)	11- -68 (note e)	Greene County, Alabama
Evans v. Cornman	12- -69 (note e)	Baltimore, Maryland
Sheffield v. Robinson	11-16-70	Itawamba County, Mississippi
Cousins v. City Council of Chicago	3- -71 (note e)	Chicago, Illinois
Hall v. Issaquena County, Mississippi (note c)	6-18-71	Issaquena County, Mississippi
Howell v. Mahan (note c)	-71 (note e)	Virginia
Evers v. State Board of Election Commissioners (note c)	2- -72 (note e)	State of Mississippi
Holt v. City of Richmond (note c)	3-31-72	Richmond, Virginia
Hearn v. Vernon Parish Polity Jury (note c)	3- -72 (note e)	Vernon Parish, Louisiana
Murrel v. McKeithen (note c)	7- -72 (note e)	(note d)
White v. Register	-73 (note e)	Bexar and Dallas Counties, Texas

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Case title	Date filed	Political jurisdiction
Kirksey v. Board of Supervisors of Hinds County, Mississippi (note c)	9-24-75	Hinds County, Mississippi
Morris, et al. v. Gressette, et al. (note c)	1-26-76	State of South Carolina
East Carroll Parish, Louisiana v. Marshall (note c)	1- -76 (note e)	East Carroll Parish, Louisiana
Graves, et al v. Barnes, et al. (note c)	2-03-76	Jefferson, Nueces, and Tarrant Counties, Texas
Town of Sorrento v. Reine (note c)	4-09-76	Sorrento, Louisiana
Broussard, et al. v. Perez et al. (note c)	4-23-76	Plaquemine Parish, Louisiana
Parnell, et al. v. Rapides Parish School Board, et al.	5-10-76	Rapides Parish, Louisiana
DeHoyos, et al. v. Crockett County, Texas, et al (note c)	10-01-76	Crockett County, Texas
Hechinger v. Martin	11-24-76	Washington, D.C.
Perkins v. Matthews	1- -71 (note e)	Canton, Mississippi
McCray v. Hucks (Horry County, South Carolina (note c)	1-20-77	Horry County, South Carolina
Arturo Gomez, et al v. John W. Galloway, et al (note d)	3-21-77	Beeville, Texas
Blacks United for Lasting Leadership v. Shreveport	6-08-77	Shreveport, Louisiana

a/According to Department officials, no complete listing of Voting Section litigation exists. The Voting Section initiated a listing of litigation in 1971. However, our efforts to compile a complete listing of Voting Section litigation from calendar years 1965-77 required we use, in addition to the Voting Section's listing, the following sources: (1) pp. 596, 613-631 of the April and May Hearings before the Senate Subcommittee on Constitutional Rights; (2) pp. 457-462 of "The Voting Rights Act: Ten Years After;" (3) pp. 73 and 74 of "Federal Review of Voting Changes;" and (4) Department of Justice's Juris System listing. Department of Justice officials agreed that this compilation represents the best available data.

b/The Department was unable to identify the specific jurisdiction involved.

c/Case involving enforcement of preclearance provisions.

d/The Department was unable to provide any information.

e/Specific date was not available from Department of Justice records.

APPENDIX XIII

STATUS OF COMPLIANCE PLANS FOR THE MINORITY LANGUAGE PROVISIONS

State	Plan	No plan	Unaware of coverage
Alaska	X		
Arizona		X	
California		X	
Colorado		X	
Connecticut		X	
Florida		X	
Hawaii	X		
Idaho		X	
Kansas		X	
Louisiana	X		
Maine		X	
Michigan		X	
Minnesota		X	
Mississippi			X
Montana		X	
Nebraska	X		
Nevada		X	
New Mexico	X		
New York		X	
North Carolina			X
North Dakota		X	
Oklahoma		X	
Oregon		X	
South Dakota	X		
Texas		X	
Utah		X	
Virginia			X
Washington		X	
Wisconsin		X	
Wyoming	-	X	-
Total	6	21	3

APPENDIX XIV

STATES/JURISDICTIONS COVERED BY MINORITY LANGUAGE PROVISIONS, REPORTING COST STATISTICS (note a)

State	State			Jurisdictions reporting cost (note b)		
	No. of jurisdictions covered	Minority population (note c)	Costs (note d)	No. of jurisdictions	Minority population (note c)	Costs (note d)
Alaska	22	23,947	$ 5,000	4	10,175	$ 200
Arizona	14	189,348	(e)	1	9,088	6,000
California	39	1,360,129	159,326	34	1,323,313	2,127,290
Colorado	34	147,571	135,000	3	15,393	21,882
Connecticut	1	5,779	12,544	1	5,779	4,800
Florida	7	98,151	(e)	0	-	-
Hawaii	4	101,217	381,000	4	101,217	100,000
Idaho	2	1,454	(e)	1	590	1,095
Kansas	3	1,096	738	3	1,096	8,744
Louisiana	1	2,642	(e)	1	2,642	2,000
Maine	1	158	(e)	0	-	-
Michigan	9	5,251	6,567	6	5,037	7,948
Minnesota	2	1,989	(e)	2	1,989	200
Mississippi	1	819	(e)	1	819	130
Montana	7	7,357	(e)	1	2,103	0
Nebraska	2	2,322	1,000	1	1,354	13,000
Nevada	4	2,425	(e)	1	1,241	8,439
New Mexico	32	246,888	220,352	15	133,716	40,239
New York	3	430,267	5,000	3	430,267	30,000
North Carolina	4	16,057	(e)	1	973	500
North Dakota	5	3,838	(e)	1	246	0
Oklahoma	25	26,097	3,964	25	26,097	10,590
Oregon	2	1,494	36,025	1	884	4,867
South Dakota	8	8,362	(e)	7	7,797	3,000
Texas	254	962,024	320,577	2	8,329	3,621
Utah	4	4,386	6,700	1	2,001	292
Virginia	1	283	(e)	0	-	-
Washington	5	8,717	2,750	3	7,149	12,084
Wisconsin	4	519	(e)	0	-	-
Wyoming	5	6,762	100	1	2,647	5,729
Total	505	3,667,049	$1,296,643	124	2,101,942	$2,413,720

a/Statistics not verified by GAO

b/Of the 149 local jurisdictions contacted, only 124 reported any cost information (see note d).

c/Source: Population Estimates and Projections, Bureau of the Census, June 1976, Series P-25, No. 627.

d/Cost reported may be for either primary or general elections or both. Cost may also be for either oral or written assistance or both.

e/No activity or no cost information reported.

APPENDIX XV

USAGE STATISTICS REPORTED BY JURISDICTIONS COVERED BY MINORITY LANGUAGE PROVISIONS (note a)
[Statistics not verified by GAO]

State	Jurisdictions reporting oral assistance (note b)	Oral assistance requested			Jurisdictions reporting written assistance (note d)	Written material requested		
		10 or less	Greater than 10	Unknown/not available (note c)		10 or less	Greater than 10	Unknown/not available (note c)
Alaska	4	-	-	4	-	-	-	-
Arizona	3	-	1	2	3	1	-	2
California	5	1	-	4	38	-	3	35
Colorado	3	3	-	-	3	1	-	2
Connecticut	1	-	-	1	1	-	-	1
Florida	1	-	1	-	1	-	-	1
Hawaii	4	-	4	-	4	1	3	-
Idaho	1	-	-	1	1	-	1	-
Kansas	-	-	-	-	3	3	-	-
Louisiana	-	-	-	-	1	1	-	-
Maine	-	-	-	-	-	-	-	-
Michigan	8	4	1	3	8	6	2	-
Minnesota	2	-	-	2	-	-	-	-
Mississippi	1	-	-	1	-	-	-	-
Montana	1	1	-	-	-	-	-	-
Nebraska	1	1	-	-	1	1	-	1
Nevada	1	1	-	-	1	-	-	-
New Mexico	6	-	-	6	6	-	-	6
New York	3	-	-	3	3	-	-	3
North Carolina	1	-	-	1	1	-	-	1
North Dakota	1	-	-	1	-	-	-	-
Oklahoma	25	e/23	-	2	2	-	-	2
Oregon	1	1	-	-	1	-	1	-
South Dakota	7	7	-	-	-	-	-	-
Texas	7	1	2	4	7	-	-	7
Utah	1	-	-	1	-	-	-	-
Virginia	-	-	-	-	-	-	-	-
Washington	1	1	-	-	2	1	-	1
Wisconsin	-	-	-	-	-	-	-	-
Wyoming	3	1	-	2	1	-	-	1
Total	92	45	9	38	88	15	10	63

a/Usage reported was recorded either on primary election day, general day, or both.

b/Of the 149 jurisdictions contacted, 92 jurisdictions reported that oral assistance was offered, 6 jurisdictions were not complying, and 51 jurisdictions did not report whether oral assistance was offered.

c/In many cases, jurisdictions did not have usage data because oral assistance was not distinguishable in communities where conversing in minority languages was performed daily. Also bilingual single-form ballots or machines were used which made written material usage indistinguishable.

d/Of the 149 jurisdictions contacted, 88 reported written assistance was offered, 45 were not required to provide written assistance because they had Alaskan Natives or American Indians whose language is historically unwritten, 6 did not comply, and 10 did not report whether written assistance was offered.

e/Only one total was provided for aggregate of 23 counties. Average was less than 10.

SAMPLING PLAN FOR REVIEW OF CHANGES SUBMITTED FOR PRECLEARANCE REVIEW

As part of our review of the Voting Rights Act, we evaluated a random sample of changes submitted to the Department of Justice for preclearance review during the period from February 2, 1976, through September 30, 1976.

The universe from which this sample was drawn was supplied by the Department's Voting Section. According to Department officials this information was the most current and complete data available pertaining to voting change submissions.

To assure statistical reliability and obtain maximum coverage, we grouped all changes by the State from which the change was submitted and randomly selected

--a 5-percent sample from States submitting 200 or more changes;

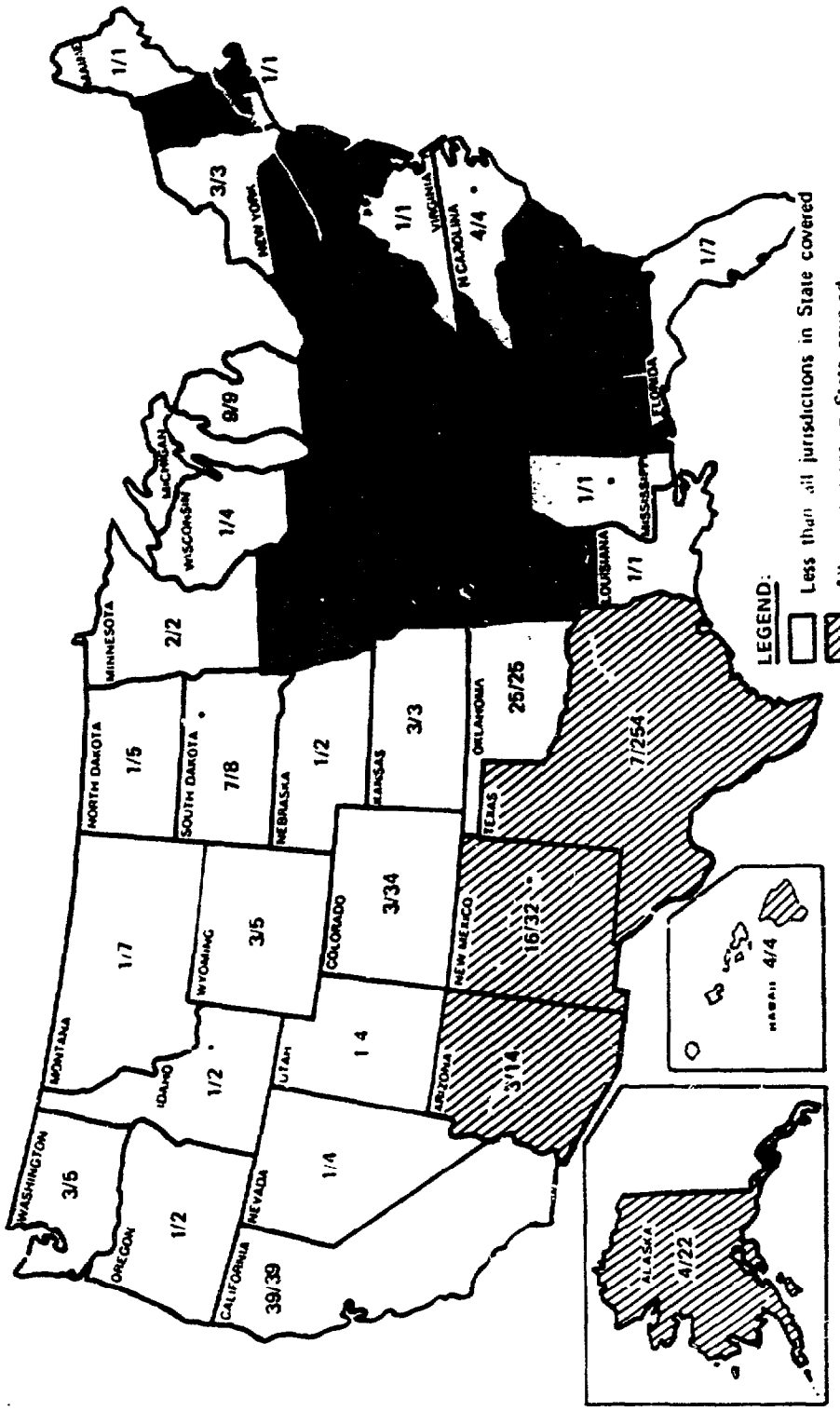
--a 10-percent sample or 5 changes,whichever was greater, from States with less than 200 changes but more than 4 changes; and

--all changes from States with 4 or fewer changes.

This procedure resulted in a sample of 341 changes from the universe of about 5,300. Since the sampling plan called for a nonproportional, stratified sample, it was necessary to apply appropriate weights to the changes selected for review when analysis was focused on the entire population rather than changes from an individual State.

APPENDIX XVII

JURISDICTIONS CONTACTED BY GAO IN RELATION TO TOTAL NUMBER OF JURISDICTIONS COVERED BY THE MINORITY LANGUAGE PROVISIONS



STATES CONTACTED BY GAO IN RELATION TO ALL STATES AFFECTED BY THE SPECIAL PROVISIONS

APPENDIX XVIII

PRINCIPAL OFFICIALS RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
DEPARTMENT OF JUSTICE		
ATTORNEY GENERAL OF THE UNITED STATES:		
Griffin Bell	Jan. 1977	Present
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork, Jr. (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Mar. 1972
Ramsey Clark	Mar. 1967	Jan. 1969
Ramsey Clark (acting)	Oct. 1966	Mar. 1967
Nicholas deB. Katzenbach	Feb. 1965	Oct. 1966
ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION:		
Drew S. Days, III	Mar. 1977	Present
J. Stanley Pottinger	Feb. 1973	Feb. 1977
David L. Norman (note a)	1971	Jan. 1973
Jerris Leonard (note a)	1969	1971
Stephen Pollack (note a)	1968	1969
John Doar (note a)	1965	1967
CHIEF, VOTING RIGHTS SECTION (note b):		
Gerald Jones	Oct. 1969	Present

a/More specific dates were not available.

b/Prior to October 1969, enforcement of the Voting Rights Act was the jurisdictional responsibility of various geographical section heads.

(18152)