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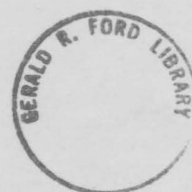
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# VOTING RIGHTS BILL

- o BACKGROUND INFO
- o DRAFT BILLS



# Ninety-fourth Congress of the United States of America

## AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,  
one thousand nine hundred and seventy-five*

### An Act

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I

SEC. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "seventeen".

SEC. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

#### TITLE II

SEC. 201. Section 4(a) of the Voting Rights Act of 1965 is amended by—

(1) inserting immediately after "determinations have been made under" the following: "the first two sentences of";

(2) adding at the end of the first paragraph thereof the following new sentence: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";



(3) striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of this subsection"; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

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

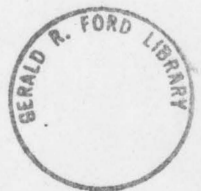
SEC. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972."

SEC. 203. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

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

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

"(3) In addition to the meaning given the term under section 4(c), the term 'test or device' shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing



in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term 'test or device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

"(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting."

SEC. 204. Section 5 of the Voting Rights Act of 1965 is amended by inserting after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972."

SEC. 205. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

SEC. 206. Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after "on account of race or color" each time it appears the following: ", or in contravention of the guarantees set forth in section 4(f) (2)".

SEC. 207. Section 14(c) is amended by adding at the end the following new paragraph:

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

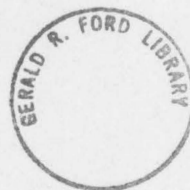
SEC. 208. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

### TITLE III

SEC. 301. The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

#### "BILINGUAL ELECTION REQUIREMENTS

"SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational



opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

“(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

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

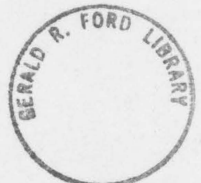
“(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory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

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

SEC. 302. Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

SEC. 303. Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after “in violation of section 202,” the following: “or 203.”

SEC. 304. Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out “or 202” and inserting in lieu thereof “, 202, or 203”.



TITLE IV

SEC. 401. Section 3 of the Voting Rights Act of 1965 is amended by striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person".

SEC. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

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

SEC. 403. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

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

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

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

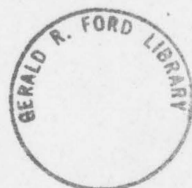
"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

SEC. 404. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

SEC. 405. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(2) by placing after the words "failure to object" a comma; and



(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section."

SEC. 406. Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

SEC. 407. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

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

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

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

"DEFINITION

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

SEC. 408. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

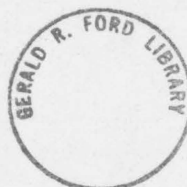
(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment";

and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

SEC. 409. Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection:

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



H. R. 6219—7

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

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

SEC. 410. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before “guarantees” each time it appears the following “voting”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*





# Department of Justice

FOR RELEASE AT 10:00 A.M. EDT  
WEDNESDAY, MARCH 5, 1975

STATEMENT

BY

J. STANLEY POTTINGER  
ASSISTANT ATTORNEY GENERAL  
CIVIL RIGHTS DIVISION

Before The

SUBCOMMITTEE ON CIVIL RIGHTS & CONSTITUTIONAL RIGHTS

Of The

HOUSE JUDICIARY COMMITTEE

On

THE EXTENSION OF THE VOTING RIGHTS ACT

10:00 A.M.  
WEDNESDAY, MARCH 5, 1975  
WASHINGTON, D.C.



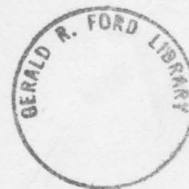
Department of Justice  
Washington

TESTIMONY OF J. STANLEY POTTINGER  
BEFORE THE SUBCOMMITTEE ON CIVIL AND  
CONSTITUTIONAL RIGHTS, COMMITTEE ON THE  
JUDICIARY, U. S. HOUSE OF REPRESENTATIVES

MARCH 5, 1975

I am pleased to appear before the Subcommittee this morning to testify on the extension of those provisions of the Voting Rights Act which are due to expire later this year. Accompanying me here this morning are Deputy Assistant Attorney General James P. Turner and Gerald Jones, the Chief of our Voting Section, who are responsible for administering the Act, and Brian Landsberg, Chief of our Appellate Section and Anne Clarke, Director of our Research Unit, who have assisted in our study of the issues surrounding the proposed extension.

In my testimony I will describe the facts and reasoning which support President Ford's recommended bill, H.R. 2148, which was introduced by Congressmen Hutchinson, McClory, Railsbach, Fish and Cohen, and I will also discuss H.R. 939, which Chairman Rodino and Chairman Edwards have introduced. In addition, just last week H.R. 3247 and H.R. 3501 were introduced. These bills propose that



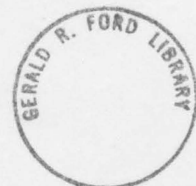
additional changes should be made in the Act, primarily to protect further the rights of Mexican-American and Puerto Rican citizens. In my view, as explained in our legal memorandum which has already been placed in the record, the Voting Rights Act, in its various protections against discrimination on account of race or color, does to some extent already cover Mexican-Americans and Puerto Ricans. The possible need for further protection, however deserves careful consideration by the Subcommittee, and I am pleased to see that representatives of these groups and other persons concerned with this question are testifying in these hearings. While the factual data the Department of Justice thus far has gathered is insufficient for us to make a final recommendation at this moment, my testimony will outline the considerations of which we are presently aware, and which we believe are relevant to these proposals.

The Department of Justice helped draft the Voting Rights Act of 1965: The Act was based in part on facts and case law developed by the Department under prior voting rights legislation, and the primary task of federal enforcement of the Act is placed on the Department. The Civil



Rights Division -- particularly our Voting Section -- has therefore accumulated a large amount of information which I hope the Subcommittee will find helpful in assessing the need for any extension of the Voting Rights Act. In response to requests from the Chairman I have already furnished extensive information. Some of that information, as well as additional exhibits which the Division's staff has developed, will be submitted with my testimony or has already been placed in the record of these hearings, and I will refer to those exhibits in the course of testifying this morning.

The Voting Rights Act is unusual legislation in several respects. First, it attacks a problem which, prior to 1965, had been allowed to sap the strength of our democratic form of government: the denial and abridgment of the right to vote based on race. A rereading of the legislative history of the Act and a rereading of the Supreme Court's decision upholding the



Act, South Carolina v. Katzenbach, 383 U.S. 301, reveals the systematic and thorough use of every conceivable device to stop black citizens in many of the covered states from having a fair voice in their government.

The second unusual aspect of the Act is that, because of this prior history, Congress enacted what the Supreme Court has called "a complex scheme of stringent remedies aimed at areas where voting discrimination has been most flagrant." Id. at 315. Justice Black argued in dissent in South Carolina v. Katzenbach that §5 of the Act "so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between state and federal power almost meaningless." Id. at 358. While I disagree with that characterization of §5, I think it is fair to say that §5 does represent a substantial departure from ordinary concepts of federalism.



Finally, the Act has been unusually effective. It brought about a prompt, visible, dramatic increase in political participation by the black citizens in the South whose prior exclusion from the political process it was primarily designed to remedy. The results have fortunately been a general acceptance in the covered States of the resulting franchise of blacks, with important exceptions, of course, that require the continuing attention which extension would afford.

The questions before us this morning are whether, in light of present needs, in light of the successes of the Voting Rights Act to date, and in light of the principles of federalism, the Act should be extended. If answered affirmatively, a secondary concern is for how long it should be extended. To properly consider these questions we should examine the workings of the Act. Has it proved workable? Has it promoted nondiscrimination in voting? Does experience under it warrant extending its special coverage provisions to more fully protect the rights of other groups? Has it been so successful that it is no longer needed? How much of a strain of federalism has resulted? I believe that the results of such an examination, together with an examination of the judicial and



legislative precedents, strongly support the Administration's proposed five-year extension, H.R. 2148. I will address these questions, first as to the extension of §4(a) of the Act, and second as to §201(a) of the 1970 Amendments; and third as to H.R. 3247 and H.R. 3501.

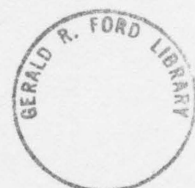
I. Section 4 is the central provision of the 1965 Act, because that section determines which states shall be subject to the special provisions of the Act relating to the suspension of tests or devices, pre-clearance of changes in voting laws, listing of voters by federal examiners, and the use of federal observers to monitor the conduct of elections. Section 4(b), as amended in 1970, provides for coverage of states and political subdivisions which the Attorney General determines maintained as a prerequisite for voting any test or device on November 1, 1964 or November 1, 1968 and which the Director of the Census certifies had less than 50% voter participation or registration in the Presidential election in 1964 or 1968, respectively. The Supreme Court, in upholding the provision of §4(b) of the 1965 Act that these determinations are not reviewable said:



"the findings not subject to review consist of objective statistical determinations by the Census Bureau and a routine analysis of state statutes by the Justice Department." South Carolina v. Katzenbach, 383 U.S. 301, 333.

Pursuant to these provisions 7 states and 46 political subdivisions were initially determined to come under the 1965 Act. Following extension of the Act in 1970, an additional 62 political subdivisions were covered (including 8 political subdivisions which had been determined to be covered in 1965 but had subsequently "bailed out" under §4(a)). Exhibit 1 lists the states and subdivisions covered under §4 of the Act in 1965 and 1970. While most of the covered jurisdictions are located in the South, some are located in the North and West, particularly in areas with large Native American or Spanish-speaking populations, such as Arizona and New York.

The provision of §4 which leads to today's hearing states that jurisdictions covered by virtue of the certifications of the Attorney General and Director of the Census may escape coverage if:



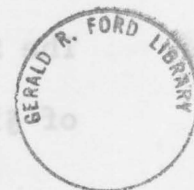
the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, that no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

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

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



Since the passage of the Act two states and 14 political subdivisions have sought such a judgment. Of these, one state and 12 political jurisdictions have obtained such a judgment (including three New York counties which have since been placed back under the special coverage of the Act by motion of the Attorney General), and four such judgments have been denied. Actions under this so-called "bail-out" provision are listed in Exhibit 2. Since that provision, as it currently reads, requires entry of a declaratory judgment in favor of the moving state or subdivision if it has not used a test or device in a discriminatory fashion during the ten years preceding the action, those jurisdictions which became covered in August of 1965 and which were consequently required to suspend entirely the use of tests or devices should be able to establish their eligibility to "bail out" in August 1975, assuming that they in fact suspended all use of tests or devices as required. For jurisdictions first covered in 1970; the ten years will not expire until at earliest 1980.



Section 4 suspends the use of tests or devices by covered jurisdictions, but since §201 (a) of the 1970 Amendments imposed a nationwide suspension of tests or devices, I will discuss the suspension later in this statement, when we come to §201(a). I now want to turn to the other consequences of coverage under §4: preclearance of changes in voting laws; federal examiners; and federal observers.

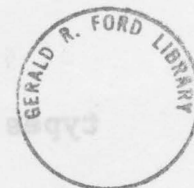
A. Preclearance

Section 5 of the Act requires preclearance of changes in the voting laws of jurisdictions covered by §4. The jurisdictions must either obtain from the United States District Court for the District of Columbia a declaratory judgment "that such [changed] qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color" or submit the change to the Attorney General. If the Attorney General does not object to the submission within sixty days, the change may be enforced by the submitting jurisdiction. The Supreme Court, in upholding the constitutionality of §5, said:

Congress knew that some of the States covered by §4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for discrimination contained in the Act itself.

South Carolina v. Katzenbach, 383 U.S. 301, 335.

The Congressional hearings on the 1970 Amendments to the Voting Rights Act reflect that §5 was little used prior to 1969 and that the Department of Justice questioned its workability. Not until after the Supreme Court, in litigation brought under §5, had begun to define the scope of §5 in 1969 (Allen v. State Board of Elections, 393 U.S. 544) did the Department begin to develop standards and procedures for enforcing §5. Congress gave a strong mandate to us to improve the enforcement of §5 by passing the 1970 Amendments. We subsequently promulgated regulations for the enforcement of §5 and directed more resources to §5, so that today enforcement of §5 is the highest priority of our Voting Section. Thus, most of our experience under §5 has occurred within the past five years. Although



4476 voting changes have been submitted under Section 5 since 1965, between 1965 and 1969 the number of changes submitted was only 323 or 7% of all the Department has received. About 93% of all changes have been submitted since 1970. The year 1971 was the peak year for changes reviewed (1,118) and objections entered (50), a natural occurrence in light of the upcoming elections and redistrictings following the 1970 Census. The past three years, however, have continued to require the Department to review a high number of changes (between 850-1000 a year). See Exhibit 3.

The following sets forth the states in descending order by numbers of changes submitted. The corresponding numbers of objections entered are also listed.

	<u>Changes</u>	<u>Objections</u>
S. Carolina	941	19
Virginia	891	10
Georgia	809	37
Louisiana	632	37
Mississippi	428	29
Alabama	331	22
N. Carolina	194	6
Arizona	149	2
New York	88	1
California	12	0
Wyoming	1	0
Idaho	0	0
	<u>4,476</u>	<u>163</u>

Exhibit 4 classifies changes into seven basic

types: redistricting, annexation, polling place, precinct,

reregistration, incorporation and a broad category, "election laws", which includes such changes as numbered posts, staggered terms, and candidate filing fees. As Exhibit 4 shows, annexations, polling place changes and redistrictings are the types of laws most frequently reviewed.

A total of 163 objections have been entered since 1965. Exhibit 5 lists the objections by state and Exhibit 6 sets forth Section 5 objection totals by state and year. A precise count of the number of changes involved is difficult because of the varying compositions of the laws submitted. However, these 163 objections have involved about 300 changes, e.g. one redistricting plan may involve at-large elections, multi-member districts, numbered posts and a majority requirement, while another may only involve numbered posts.

The highest number of objections was in 1971 (50), followed by 32, 27 and 30 in the next three years. Thus, it is apparent that the rate of objections has been about the same the past three years, indicating the continuing need for Section 5 review.



Approximately one-third of our objections have been to redistrictings on the state, county and city levels. In contrast, only 9 of our objections have related to annexations, which comprise the highest number of changes submitted.

These statistics tell only part of the story. The substance which lies behind them is even more important. The provisions of Section 5 have proved more complex than was imagined in 1965. It was not until the publication of the Department of Justice regulations in September of 1971 that states and political subdivisions were provided with a definite, concrete list of the types of legislation and administrative actions which constituted voting changes within the meaning of Section 5 (see 28 C.F.R. §51.4). The regulations are attached as Exhibit 7.

Although the publication of the Attorney General's guidelines, other Department activities and court decisions were followed by a large increase in the number of voting changes submitted for preclearance under Section 5, still many such changes have not been submitted. We have undertaken



a number of programs to uncover such changes and to obtain their submission. For instance, in July 1971 the Civil Rights Division sent letters to local district attorneys in 18 of the 33 judicial districts in the State of Louisiana reminding them of the preclearance requirements of Section 5 and asking that they apprise us of redistrictings or reapportionments of any of the parishes located in their respective districts, since we understood that virtually all of the Louisiana parishes had redistricted, or were in the process of doing so and we had received no redistricting submissions from those districts. After the sending of these letters, 70 local reapportionments were submitted, including 18 which resulted in objections.

In 1972 and early 1973 the Voting Section undertook a review of Louisiana state statutes passed during the years 1965 through 1972 in an effort to identify those appearing to deal with voting changes which had not been submitted for a determination under Section 5. As a result of this project the Louisiana Attorney General was advised that a substantial number of such statutes existed and he was reminded of the State's Section 5 responsibility with respect to the voting changes apparently involved. The State made a submission of 149 statutes in March 1973.



A similar project with respect to the 1971 Session laws for the State of Alabama during 1974 resulted in the discovery of 161 unsubmitted voting changes from the year 1971. This was brought to the Alabama Attorney General's attention by my letter of August 27, 1974.

This year we have undertaken similar reviews of the session laws for nine states for the years 1970-1974. As a result we have mailed just recently (February 25, 1975) to the Attorney General of Georgia a letter apprising him of 158 unsubmitted laws which our search revealed and appropriate letters are now being prepared to the other eight states involved.

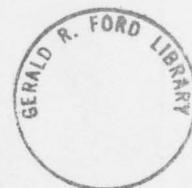
In addition, we have asked the FBI through contact with local authorities to determine whether changes relating to voting may have been adopted in a manner such as ordinance, resolution, etc., which may not be reflected in the state statutes. Where such changes have been made we intend to seek Section 5 compliance where necessary.

Thus, Section 5 has yet to be fully implemented. In some instances voting changes have been implemented even



after we notified the state or local authorities of the requirements of Section 5 and even after we had sent objection letters under Section 5. For instance, in Leake County, Mississippi, in 1970 and in Kemper County, Mississippi in 1974 we were forced to file suit in order to prevent these counties from implementing an unsubmitted change to at-large elections for their school board members. And in a number of instances, i.e., the State of Georgia; Jonesboro, Hinesville and Twiggs County, Georgia; and St. James Parish, Louisiana, we had to file suit to prevent intended implementation of a change to which the Attorney General had objected.

Under Section 5, the submitting authority has the burden of showing that the submitted change does not have a racially discriminatory purpose or effect. While some of the Attorney General's objections under Section 5 are based primarily on the submitting authorities' failure to carry this burden, many are based on a conclusion that the change involved is clearly discriminatory. Permit me to cite a few examples.



In recent years we have objected to the change of polling places to an all-white segregated private school (Lafayette Parish, La., July 16, 1971) and to an all-white segregated club (St. Landry Parish, La., Dec. 6, 1972); to a racial gerrymander of voting districts using non-contiguous areas as a part of the district (E. Feliciana Parish, La., Dec. 28, 1971) and a racial gerrymander resulting in "an extraordinarily shaped 19-sided figure that narrows at one point to the width of an intersection, contains portions of three present districts, and suggests a design to consolidate in one district as many black residents as possible" (Orleans Parish, La., August 20, 1971). In several instances covered jurisdictions submitted proposed annexations of white areas, while refusing to annex black areas; attached, for example, as Exhibit 8 are our objection letter of February 5, 1975 regarding a proposed annexation to Granada, Miss., a map of the proposed annexation and, for comparison purposes, a map of the voting change held unconstitutional in Gomillion v. Lightfoot, 364 U.S. 339 (1960). Rather than provide only



selective examples, I have attached as Exhibit 5, a list of all objections entered under §5 and as Exhibit 9 lists and summaries of Department of Justice litigation under the Voting Rights Act.

In summary, the protections of §5 should be expanded because:

- (a) it has been effective in preventing discrimination;
- (b) it has never been completely complied with by the covered jurisdictions; and
- (c) the guarantees it provides are more significant to the country than slight interference to the federal system.

B. Examiners

§6 of the Voting Rights Act, governing the use of Federal examiners, provides for their appointment whenever authorized by a court in a proceeding brought by the Attorney General to enforce the guarantees of the 15th Amendment (§3(a)), or in a covered jurisdiction under §4(b), whenever the Attorney General certifies that he has received meritorious written complaints from 20 or more residents of political subdivision that they have been denied the right to vote under color of law



by reason of race or color, or when, in his judgment, "the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment"...

§6(b)(2). In making the latter determination, the Attorney General is required to take into account whether the ratio of nonwhite to white persons registered to vote appears reasonably attributable to violations of the 15th Amendment or whether bona fide efforts are being made to comply. More specifically, the Department considers such factors as how long and how consistently the voter registration office is open, its location in relation to areas where black registration is low and whether offices are set up in outlying areas; whether there has been intimidation of registrants ranging from discourtesy to violence; and whether standards are applied differently to white and black applicants.

Once an area has been designated for federal examiners, at the request of the Attorney General the U.S. Civil Service Commission selects and assigns them.



As recognized by the Supreme Court in South Carolina v. Katzenbach, supra, this section of the Act was necessary because "voting officials have persistently employed a variety of procedural tactics to deny Negroes the franchise, often in direct defiance or evasion of federal court decrees." 383 U.S. at 336. The procedure was designed to cure some of the "localized evil" which might be undisturbed by mere suspension of misused voting rules.

The duty of federal examiners is to list persons who satisfy state voting qualifications which are consistent with federal law and to supply that list monthly to local election officials, who then enter the names on the official voter registry. A procedure for challenging any person listed is provided in §9. In addition, examiners are available during an election and within forty-eight hours after the closing of the polls to receive complaints that persons otherwise eligible to vote have been denied that right.

Since the passage of the Act, approximately 317 examiners have been sent to 73 designated jurisdictions. A complete list of designated counties and parishes is attached as Exhibit 10. The majority of designations for examiners occurred from 1965-1967 (61 out of 73); however, 6 additional areas were designated in 1974. The largest number of designations have been made in Alabama (14), Louisiana (11), and Mississippi (38).

Since 1965, 160,358 black persons have been listed by federal examiners. During the period from 1965-1969, a total of 158,384 blacks were listed, and from 1970-1974, the federal examiners listed 1974 black voters. A complete list of totals, by race, state, and year of persons listed by federal examiners is attached as Exhibit 11. Estimates based upon data collected by the Voter Education Project in Atlanta, Georgia would indicate that registration of blacks by federal examiners accounted for 34.2% of the total increase in black voter registration in Alabama from 1964-1972. The comparable percentages in other states were 1.9% in Georgia, 13.2% in Louisiana, 27.5% in

Mississippi, and 7.4% in South Carolina, with a total overall of 18.9% of black registration being accomplished by federal examiners. See Exhibit 12. In addition, we believe that the overall increase in black registration in the covered southern states from 1.2 million in 1964 to 2.1 million in 1972 has been due, in part, to the knowledge by local registrars that federal examiners will be designated if black persons are not given a meaningful opportunity to register.

The most recent use of federal examiners to list black voters occurred in Pearl River County, Mississippi in April, 1974. The designation of Pearl River County resulted from more than 40 complaints by residents that they had been denied the right to vote by reason of their race, the first such designation made by the Attorney General on the basis of specific complaints under §6(b)(1).

The underlying complaints in Pearl River County concerned the unwillingness of county officials to facilitate registration by persons residing in the City of Picayune, 26 miles from the county seat and the home of approximately 70% of the county's black residents.



Statistics showed that only about 50% of those eligible to vote were registered. In spite of efforts by attorneys from the Department to resolve the matter with county officials, the circuit clerk refused to carry his registration books to Picayune on Saturday when many blacks, who were unable to travel the 26 miles to his office during regular business hours, could register.

As a result of the appointment of federal examiners, 181 persons were registered, 172 of whom were black.

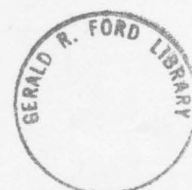
C. Observers

Whenever federal examiners are serving in a particular area, the Attorney General may request that the Civil Service Commission assign one or more persons to observe the conduct of an election to determine whether persons who are entitled to vote are permitted to do so and to observe whether votes cast by eligible voters are being properly counted.

In making the determination that federal observers are needed, the Attorney General considers three basic



areas: (1) the extent to which those who will run an election are prepared, so that there are sufficient voting hours and facilities, procedural rules for voting have been adequately publicized, and polling officials, non-discriminatorily selected, are instructed in election procedures; (2) the confidence of the black community in the electoral process and the individuals conducting the election, including the extent to which black persons are allowed to be poll officials, and (3) the possibility of forces outside the official election machinery, such as racial violence or threats of violence or a history of discrimination in other areas, such as schools and public accommodations, interfering with the election. Such factors are particularly important in an election where a black candidate or a candidate who has the support of black voters has a good chance of winning the election. Federal observers provide a calming, objective presence in an otherwise charged political atmosphere, and serve to prevent intimidation of black voters at the polls and



to assure that illiterate voters are provided with non-coercive assistance in voting. For instance, when the local polling place is located in a white-owned store, the presence of federal observers can alleviate apprehension by black voters that informal voting procedures or other improprieties will be used which will enable the poll officials to know how they voted.

Attached as Exhibit 13 is a group of representative examples of specific situations in which observers were authorized in response to local conditions surrounding elections in 1974 which had a potential for discriminatory practices. These narratives indicate that the use of federal observers is still warranted and necessary not only to assure a fair election but to lend the appearance of fairness which is essential to the maintenance of confidence in the election process.

A total of 7,359 observers have been assigned to counties and parishes in five states through December 1974, the largest number being assigned in Alabama and Mississippi. See Exhibit 14. A complete listing of observers assigned, by date of election, for the period



from May, 1966 through December, 1974 is attached as Exhibit 15. From 1966-1969, 4818 observers were used in 39 elections while from 1970-1974, 38 elections were covered by 2541 observers. In 1974, 464 observers were assigned to 12 elections.

Each observer completes a report summarizing in detail the conduct of the election process at the polling place to which he or she is assigned. That report is provided to the Department of Justice for review. A sample report form is Exhibit 16. Observer reports have been useful in evaluating complaints of discrimination in the election process, and observers have testified in court in several instances in order to establish the existence of improper practices at the polling places.

In January 1968, two federal observers testified before a state grand jury that they had observed the defendant altering ballots in the August 8, 1967 primary election in Coahoma County, Mississippi. And in a case involving the May 3, 1966 election in Dallas County,

Alabama, a federal observer testified as to the method of tallying ballots.

The observers' reports were used in a lawsuit instituted by the Attorney General against election officials in Marshall County, Mississippi to establish that scores of black voters who had been assigned to the wrong polling places were turned away from the polls in the 1971 elections.

The United States District Court for the Northern District of Mississippi in its recent opinion (10/4/74) in the case of James v. Humphreys County Board of Election Commissioners (C.A. No. GC 72-70-K) relied heavily upon observer reports which it termed "highly credible" to establish the election procedures at each polling place. The reports were also used by the Attorney General in a separate lawsuit involving the same election to establish that over 700 ballots were improperly rejected by election officials.

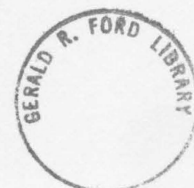
In addition to information which is used subsequent to an election in the context of a lawsuit,

observer reports of alleged impropriety have been useful in clearing up problems quickly, at the polls, before they become more serious. In many instances, too, observer reports have been useful in documenting that alleged violations had not occurred.

D. Overall Results of Voting Rights Act

The overall results of the Voting Rights Act in strengthening the role of black persons in the political process have been significant, but there remains a great deal to be accomplished. Based upon the available data, we estimate that the number of blacks registered to vote has increased from 1.5 to 3.5 million in the eleven-state South and nearly doubled from 1.2 to 2.1 million in the seven Southern states covered by the Voting Rights Act.

The most significant gains in voter registration by blacks have occurred in Mississippi, Louisiana, and Alabama. Prior to the Voting Rights Act, in 1964, less than 10% of the black persons of voting age were registered to vote in Mississippi, although blacks constituted 36% of the voting age population. As of



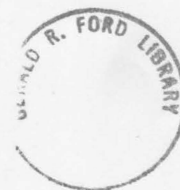
1971-72, 62.2% of eligible blacks in Mississippi were registered. Even considering this gain, however, black registration is still nearly 10% lower than the rate of white registration in Mississippi. In Louisiana, black registration, expressed as a percentage of voting age population, was 59.1% in 1971-1972 as compared with 32.0% in 1964. However, the rate of black registration in Louisiana is approximately 20% less than that for white persons. A similar pattern exists in Alabama where, although the gain in percentage of black persons registered is 34%, a gap of 23.6% still exists between black and white registration rates. These statistics, compiled from data gathered by the Voter Education Project, appear in Exhibits 17 and 18. They demonstrate, graphically, great gains, but also much more that can be accomplished.

Another indication of the gains made by black citizens under the Voting Rights Act is the increase in the number of black elected officials. As of April, 1974 there were 2,991 black elected officials in the United



States. This includes federal, state, county and municipal governments as well as elected law enforcement and education officials. Approximately 45% of the black elected officials are in municipal government positions including mayors, councilmen, commissioners, and aldermen. The attached Table, Exhibit 19, shows the distribution of black elected officials by state and position as of April, 1974. In 1970, there were only 1,469 black elected officials. Exhibit 20, attached, shows the number by state in 1970 and in 1974 together with the change which has occurred during that time. Exhibit 21, showing the number of blacks in elective office compared to the total population, voting age population and all elected officials shows that although blacks constitute 9.8% of the voting age population, less than 1% (0.6%) of all elected officials are black. All of these tables can be found in the 1974 Roster of Black Elected Officials published by the Joint Center for Political Studies in Washington.

Concentrating on the southern states, the gains from 1965 to 1974 are significant. There were less than



100 black elected officials in the southern states prior to the Voting Rights Act, compared with 565 black elected officials in eleven southern states in 1970, and 1398 in 1974. The attached chart, Exhibit 22, shows the number of black officials by state and year for these eleven states. Of the 1398 black elected officials today, 964 are in the seven states covered by the Voting Rights Act.

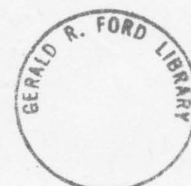
Notwithstanding these gains, out of 101 counties with majority black populations, 38 have no black elected officials in district, county, city or state positions and an additional 11 majority black counties have only one (1) black elected official.

The South's black mayors are, with few exceptions, in small municipalities or in areas in which there is a majority black population. In the seven southern states covered by the Voting Rights Act, only 7% of the seats in the lower houses of state legislatures were held by blacks, while in the upper houses blacks held only 2.5% of the seats. Of the sixteen black United States Representatives, only two are from southern states.

Similarly, although Mississippi ranks second in the nation in the number of black elected officials with 191, black persons hold only 4% of the elective positions despite the fact that over 1/3 of the population in the state is black (36.8%). By pointing to these disparities, I do not mean to suggest that any particular number or percentage of black persons in elective offices is required, but only that the statistics suggest the existence of practices against blacks which have prevented the level of representation that could normally be expected.

The increase in the numbers of blacks registered and voting has also had an incidental effect on the responsiveness of white elected officials to black citizens' needs. We can see this increased responsiveness in recent appointments of blacks to state level positions by the white elected officials.

In summary, there have been significant improvements in the political role of blacks since the passage of the Voting Rights Act, but I have also tried to highlight those areas where more needs to be done. The number of objections which the Attorney



General has made to changes in voting laws submitted to him under § 5 shows that there is still a potential for the passage of legislation which has either as its purpose or effect the exclusion of black voters from their rightful role. This potential could become reality in the absence of some objective control at the federal level.

E. Conclusion

In my judgment the record strongly demonstrates the need for continuation of the special coverage of the Act, especially § 5. The Administration bill, H.R. 2148, differs from H.R. 939, in proposing a five year rather than a ten year extension of the Act. The reasons for this approach are as follows.

First, Congress used five years as the appropriate period in 1965 and 1970. As we get further away from the events which led to passage of the original Voting Rights Act, it seems inappropriate to go to a new, longer time period. Rather, the need for periodic review by Congress of the continuing need for the special coverage seems



greater now than it was in 1965. It should be our goal to end the need for the special coverage provisions. A five year extension would provide a greater incentive to the covered jurisdictions to eliminate the need for special coverage. Indeed, I believe that the progress which has been made during the past five years warrants considerable optimism that we could complete the job in the next five years. Finally, I would note that a five year extension does not represent an absolute barrier inasmuch as the Act provides for continuing some protection, by providing for the retention of district court jurisdiction for the five years following the issuance of a declaratory judgment under § 4(a).



II. Extension of § 201

Section 2 of the bill proposed by President Ford (H.R. 2148) would extend for an additional five years §201(a) of the Voting Rights Act, as amended. This is the section providing for nationwide suspension of literacy tests and other similar prerequisites for voting. 42 U.S.C. 1973aa. Before discussing the basis for this aspect of our proposal, I wish to review the history of §201 and its relation to §4 of the Act.

As noted above, §4(a) of the 1965 Act, 42 U.S.C. 1973b(a), provided for the suspension of any "test or device" in any state or county found to be within the coverage formula set forth in §4(b). The means of terminating such suspension is a "bail out" suit. The primary effect of these provisions was to suspend the use of literacy tests in six states, Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, and in 39 counties in North Carolina. The constitutionality of these provisions was upheld by the Supreme Court in South Carolina v. Katzenbach, supra.

In 1970, Congress amended §4(a), in effect by extending for five years the period of coverage. In addition, Congress amended §4(b) by adding a coverage formula based upon voter participation in the 1968 Presidential election. Use of the 1968 formula brought within §4(a)'s suspension of tests a number of political subdivisions, including three New York counties, eight Arizona counties and two California counties. The constitutionality of the 1968 formula has not been challenged in court.

Thus, the net effect of §4(b)'s original coverage formula (based on the 1964 Presidential election) and the formula added in 1970 was to suspend the use of tests and devices in some, but not all, states and counties which employed such prerequisites for voting. The other jurisdictions which had a test or device either were never brought under §4(a) (because their voter participation in 1964 and 1968 exceeded 50 percent) or, if covered, were successful in a "bail out" suit.



However, §201, another provision added by the 1970 Amendments, prohibited the use of any test or device in any state or political subdivision not subject to suspension under §4(a). The definition of "test or device" used in §201 is identical to that used in §4(b). The definition includes literacy tests, good-character requirements and other similar prerequisites for voting. Originally, §201 applied to all or some of the political subdivisions in 14 <sup>\*/</sup> states. For example, it applied to the entire State of Oregon and to all New York counties, except the three that were covered by §4(a). The suspension effected by §201(a) continues until August 6, 1975, but, unless the statute is amended, it will terminate on that date.

Soon after enactment of the 1970 Amendments, the State of Arizona indicated that, on constitutional grounds, it would not comply with §201. The United

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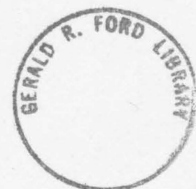
<sup>\*/</sup> One of the states, Idaho, had a good-character test, rather than a literacy test.

States then brought an original action in the Supreme Court to enforce §201 with respect to Arizona, and the Court held in favor of the United States. As a result of this and related litigation the Court sustained the constitutionality of §201. Oregon v. Mitchell, supra.

In its brief in the Arizona case, the Department of Justice noted that, in adopting §201, Congress had relied upon its power to implement the 14th and 15th Amendments. Brief for the United States, pp. 39-51.

We contended that §201 was a proper exercise of Congress' power under each of the amendments and stressed, among other things, the applicability of the rationale of the Gaston County decision, Gaston County v. United States, 395 U.S. 285 (1969).

In that case the Supreme Court said that imposition of a literacy test in Gaston County, North Carolina was discriminatory where its racially disparate effect was attributable to racial discrimination by the state's public schools.



While somewhat different reasoning was employed in the five opinions in Oregon v. Mitchell, the Court was unanimous in sustaining §201. Seven justices relied solely upon the 15th Amendment. 400 U.S. at 154, 232 and 282. Justice Black referred mainly to the 15th Amendment, but also mentioned the 14th. 400 U.S. at 118, 132. Justice Douglas referred only to the 14th Amendment. 400 U.S. at 144. Opinions in which seven justices joined were based in part upon the Gaston County theory.

In our view, essentially the same reasons which led to enactment of §201 in 1970 and which furnished the basis for its constitutionality support extension of §201. Those reasons were summarized as follows in the joint statement signed by a majority of the members of the Senate Judiciary Committee:

. . . our main concern is to extend undiminished the Voting Rights Act of 1965. In addition, however, our amendment . . . would extend the suspension of literacy tests and of other tests and devices to all states of the Nation.

Even though these other areas have no recent history of discriminatory abuses like that which prompted enactment of the 1965 Act, this extension



is justified for two reasons: (1) because of the discriminatory impact which the requirement of literacy as a precondition to voting may have on minority groups and the poor; and (2) because there is insufficient relationship between literacy and responsible interested voting to justify such a broad restriction of the franchise. 116 Cong. Rec. 5521 (1970).

Since §201 has been in effect, use of tests and devices has been suspended throughout the United States. However, current statistics indicate that, in affected states, the rate of literacy among blacks, Indians or Spanish-speaking citizens is disproportionately low. See Exhibit 23. This fact, bolstered by the Gaston County theory, indicates that the Congress has a proper basis for extending the ban on use of tests and devices.

As noted above, in Oregon v. Mitchell, most of the justices relied upon the 15th Amendment and did not discuss the 14th Amendment with regard to §201. Still, in our opinion, the alternate ground employed by Congress in 1970 has some judicial support. That is, even apart from the discriminatory effects which literacy tests have upon blacks and other minority

groups, Congress could properly determine that such tests are invalid under the 14th Amendment because they are not justified by any "compelling state interest." Cf., e.g., Dunn v. Blumstein, 405 U.S. 330 (1972); American Party of Texas v. White, 415 U.S. 767 (1974).

The importance of the widespread availability of radio and television as means of informing the electorate was referred to in the 1970 statement of the ten members of the Senate Judiciary Committee. We are aware of no indication that §201 has had detrimental effects in any state. Finally, it is significant that at present only 14 states retain laws providing for literacy tests. See Exhibit 24. This number includes five states covered by §4(a) and nine states covered, in whole or part, by §201. Since 1970, six states have repealed their literacy requirements.

In short, we feel that the basis for continuing §201 is clear. Our proposal that the extension of §201 be for an additional five years, rather than for a longer period, is tied to our proposal that §4(a) be extended for five years. At such time as §4 is allowed to expire,

Congress may wish to consider enacting permanent voting rights legislation, and that would be the appropriate time for considering whether the suspension of tests or devices should be converted to a permanent ban.

III. I would like to turn next to the issues raised by H.R. 3247, introduced by Representative Jordan, and H.R. 3501, introduced by Representatives Roybal and Badillo. These bills would amend the Voting Rights Act, so as to provide further protection for the voting rights of Spanish-surnamed Americans. In my letter of February 24, 1975, to Chairman Edwards, which has been placed in the hearing record, I expressed the view that the Voting Rights Act presently provides some protections for Mexican-Americans and Puerto Ricans, as well as Native Americans. Specifically, both the general prohibitions against discriminatory voting practices based on race or color, such as sections 2, 3, 11 and 12, and the special coverage provisions triggered by §4 apply, in our view, to discrimination against Mexican Americans, Puerto Ricans, and Native Americans. In addition, one of the stated reasons for extending to the whole nation the suspension



of literacy tests was the discriminatory impact of such tests on Spanish-surnamed Americans. In reviewing voting changes from covered jurisdictions in which significant numbers of persons of these groups reside, our uniform practice has been to consider the impact of the changes on these groups, and in some instances objections to voting changes have been based on the impact on Spanish-origin or Native American citizens. Specifically, I would refer the Committee to Exhibit 25, consisting of the objection letter of April 1, 1974, regarding reapportionment in New York; the Memorandum of Decision of July 1, 1974 on the same subject; correspondence to and from the Attorney General of Arizona, dated October 3, 1974; and the objection letter of February 3, 1975, regarding Cochise Co., Arizona.

The most recent Departmental litigation involving voting rights of Puerto Ricans is New York v. United States, Nos. 73-1371 and 73-1740, decided October 22, 1974, in which the Supreme Court affirmed the reopening of the New York litigation and the denial of a motion filed by the State of New York to "bail out" from special coverage of the Voting Rights Act. In our motion to affirm in that case we relied heavily

on the existence of a district court order finding that New York maintained a test or device which had "the purpose or the effect of denying or abridging the voting rights of New York's non-English speaking citizens of Puerto Rican birth...." (Motion to affirm, p. 10).

The proponents of additional legislation have suggested two major legislative needs in this area. First, they point out that some states in which large numbers of non-English speaking Puerto Ricans, Mexican-Americans or Native Americans reside conduct English-only elections, despite the existence of some court rulings that such minorities are entitled to bilingual elections.<sup>\*/</sup> Second, they have alleged that other forms of discrimination against these minorities are sufficiently prevalent in some non-covered states to warrant expanding the special coverage provisions to cover such states.

Our study to date discloses that there is a wide range of approaches taken by the states to the problem of ensuring non-English speaking citizens the right to an informed vote. We have made an informal survey, covering a majority of the states. We looked

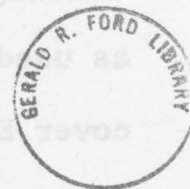
\*/ Puerto Rican Organization for Political Action v. Kusper, 490 F. 2d 575 (N.D. Ill. 1973); Arroyo, et. al. v. Tucker, et al., 372 F. Supp. 764 (E.D. Pa. 1974); Torres v. Sachs, \_\_\_ F. Supp. \_\_\_ (Case No. 73 Civ. 3921, S.D.N.Y., September 26, 1973); Lopez v. Dinkins, \_\_\_ F. Supp. \_\_\_ (Case No. 73 Civ. 695, S.D.N.Y., March 21, 1973); Marquez v. Falcey, \_\_\_ F. Supp. \_\_\_ (Civ. No. 1447-73, D.N.J., October 9, 1973).

at state statutes and contacted state secretaries of state. In some states there has been no provision whatever made to take into account the existence of a substantial minority of non-English speaking voters (see, for example, the cases referred to above relating to New York). In other states, statutes allow non-English speaking voters to have a translator (e.g., Texas Election Law § 8.13a<sup>\*/</sup>) or to have assistance in marking the ballot (e.g., Illinois Election Code, Ch. 46, §7-48; Minn. Stat. §206.20). In Arizona, although state law is silent on the subject, the State Attorney General, by letter of October 3, 1974 (attached as Exhibit 25) assured me that the state would provide bilingual notice and allow assistance in marking the ballots of non-English speaking and illiterate voters. The State of New Mexico requires that all state constitutional amendments

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<sup>\*/</sup> It is not clear whether Texas law, prior to the decision in Garza v. Smith, 320 F. Supp. 131 (W.D. Tex. 1970), remanded for entry of fresh judgment, 401 U.S. 1006, dismissed, noting continuing jurisdiction in the District Court, 450 F. 2d 790 (5th Cir. 1971), allowed the translator to enter the voting booth.

be printed in Spanish and English (N.M. Stat. Ann. § 3-16-5); a sample ballot is attached as Exhibit 26). The states of California and New Jersey recently enacted laws providing for bilingual sample ballots. The New Jersey requirement applies to all election districts in which the primary language of 10% or more of the registered voters is Spanish (P.L. 1974, Chapter 30 and 51), while the California requirement applies statewide (Calif. Elections Code § 14201.5). New Jersey requires such districts to have at least two Spanish speaking election officials and California requires that bilingual election officials be recruited in those precincts with a 3% or more non-English speaking voting age population (Calif. Election Code § 1611). Attached as Exhibit 27 are a report from the California Secretary of State's office, dated October 31, 1974 showing that § 1611 has not yet been fully implemented, and a copy of Spanish language instructions and sample ballot used in California. We have been told that some other states, such as



Colorado, some counties in Florida, Idaho, Kansas, Massachusetts, and Washington, also print voting instructions or materials in Spanish. According to the Secretary of State's office in Indiana, voter instructions are posted in Polish in Blake Co., Indiana. Our survey thus reflects:

- (1) There is a growing sensitivity in many states to the rights of non-English speaking voters;
- (2) A few states with large numbers of Spanish speaking voters have failed to take effective action to secure their right to vote; and
- (3) There is a need for a more thorough and systematic review of the problem.

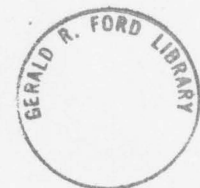
In sum, although some court decisions already suggest that in order for the right to vote to be effective voters belonging to a substantial minority which speaks a language other than English should be provided election materials in their own language, some states have not reformed their voting laws to comply with those decisions. Accordingly, it would be appropriate for this Committee to consider in these hearings whether the definition of the phrase "test or device" as used in the Voting Rights Act should be amended so as to cover English-only elections in areas with large

numbers of non-English speaking voters. Such an amendment would, if the Act is extended, require all such areas to provide for bilingual elections. It could be based on the Fifteenth Amendment alone (in which case it should be limited to Asian Americans, Native Americans, Puerto Ricans and Mexican-Americans and other Americans of Latin American origin) or the Fourteenth Amendment. Section 3 of H.R. 3247 would so amend § 4(c) of the Voting Rights Act, but not § 201(a); thus, English only elections would be barred in covered jurisdictions with over 5% non-English speaking persons, but not in other jurisdictions with over 5% non-English speaking persons. Exhibit 28 lists all counties with over 5% Spanish heritage voting age population. In addition, I believe that the definition of "test or device" used in H.R. 3247 should be carefully examined in light of the actual practices of the states, which I have summarized above. H.R. 3501 does not appear to address directly the question of English-only elections.

Second, H.R. 3247 and H.R. 3501 propose changes in the coverage formula, so as to place under the special coverage of the Voting Rights Act jurisdictions conducting English-only elections in which there has been low voter participation and in which there are large numbers of non-English speaking persons. Those proposals should be evaluated by the same standards as the proposal to extend § 4 for an additional period of 5 or 10 years. If the conditions and practices which have been described in the testimony of Representative Jordan and other witnesses are widespread, expansion of the coverage of the Act may well be appropriate. But here again the information we have been able to gather is spotty. We have recently received some allegation of discrimination against Mexican-Americans from the Civil Rights Commission and from private citizens, and we are undertaking several investigations under the existing provisions of the Voting Rights Act. To date, however, we have not yet documented widespread, systematic discrimination against Spanish-

surnamed Americans in non-covered jurisdictions, except for the holding of English-only elections. I am pleased that the Civil Rights Commission has undertaken to conduct a thorough investigation of these problems. The difficult question before this Committee is whether sufficient information can be developed in these hearings or whether to wait for the Commission's report.

There is some statistical information available, but, unfortunately, it too is spotty. For example, according to the Bureau of the Census, while 73.4% of white voting age population (VAP) and 65.5% of the black VAP were registered to vote in November 1972, only 49.4% of the Spanish origin VAP were registered. The available figures are set forth in Exhibit 29. However, comparable figures are not available for states or political subdivisions so that it is difficult to pinpoint the areas where the problem of non-participation by Spanish origin voters is greatest. Our study of the State of Texas voting and census figures for 1972 reflect that counties with high Mexican-American population



had slightly lower voting participation than counties with low Mexican-American populations; the disparity becomes somewhat greater if the combined black and Mexican-American figures are compared with the white "Anglo" figures.

The other measure of political participation -- statistics as to elected officials -- appears to reflect that Spanish-surnamed persons are slightly more fully represented in proportion to their overall population than blacks are, but that both groups are still vastly underrepresented as compared with whites. Exhibit 30 provides those figures, based on compilation of names prepared by private organizations.

Another rough measure of need is provided by looking at the extent of litigation needed to secure the rights of Spanish-speaking citizens. Other witnesses have already alluded to the various voting rights suits. In terms of the issue of responsiveness of state and local government to the Spanish origin minority, I believe it is also relevant



to consider the experience of the Department of Justice in enforcing the civil rights laws as they relate to Spanish origin persons. Exhibit 31 is a list of our litigation in this area. It shows that we have had to take litigative action against state and local governments to prevent discrimination against Spanish origin persons in public schools, employment, voting rights and penal institutions.

It has been suggested that the protection currently provided to Spanish origin groups by the Voting Rights Act is sufficient. It is true that under §3 of the Act preclearance of voting changes, and the appointment of federal examiners and observers, may be required where the Attorney General proves violations of the Fifteenth Amendment. But such use of §3 would seem to require the kind of case by case process of litigation which was required prior to passage of the Voting Rights Act, and in the first nine and a half years of the Act, Section 3 has never been used in this fashion.



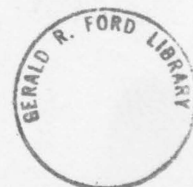
I do believe that more could be accomplished under § 3, and I have asked our Voting Section to proceed under that section to protect the rights of Spanish origin, Native American, and black voters wherever such action appears desirable.

It has also been suggested that under existing law all or part of the State of Texas should be held to be covered by § 4, because Texas allegedly conducted English-only elections in 1964 and 1968 and less than .50% of its voting age population voted in the 1964 and 1968 elections. It is argued that conducting English only elections where there is a large Mexican-American population is a "test or device" under such cases as Torres v. Sachs, supra.

While such an argument can certainly be made, its fate in the courts would be uncertain and it might not be consistent with Congress' understanding in passing the Voting Rights Act. In that connection, I would refer the Committee to Attorney General Katzenbach's testimony in 1965 before both the House and Senate Committees. House Hearings, pp. 12, 25, 35-37, 69, 75; Senate hearings, pp. 17, 26, 51, 101, 242.

I share and appreciate Representative Jordan's view, expressed in her testimony last week, that "the Congress has the responsibility to give clear guidance to the Justice Department as to the jurisdictions to be covered by the Voting Rights Act."

This brings me to the coverage formulas in H.R. 3247 and H.R. 3501. H.R. 3247 would amend the coverage formula so as to cover states or political subdivisions which on November 1, 1972 conducted English only elections, had a voting age population which included 5% or more persons of a mother tongue other than English, and had less than 50% participation in the November 1972 Presidential election. I believe that the choice of the most recent Presidential election for the trigger formula is consistent with the past history of the Voting Rights Act and is the most appropriate choice. The choice of "mother tongue", while perhaps the most logical, does present problems, as Representative Jordan pointed out in her testimony. In addition to the drawbacks

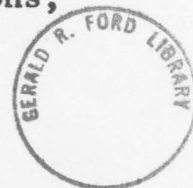


she cited, I should point out that the Census reports on "mother tongue" do not report that category by age group, but H.R. 3247 bases coverage on the percent of voting age population with a non-English mother tongue, a figure which is not currently readily available. In addition, the use of non-English mother tongue would apparently place under the special coverage of the Act national origin minorities as well as racial minorities. Since the protections of Section 5, 6, 7 and 8 of the Voting Rights Act extend only to discrimination on account of race or color, placing jurisdictions with large numbers of French or German mother tongue voters under §4 would not seem appropriate unless Section 5 through 8 were also amended. Such an amendment logically would have to be based on evidence of discrimination against these groups. We do not know of such discrimination at this time. However, we note that jurisdictions having large numbers of such persons exhibit low voter participation, perhaps indicating discrimination



of a kind deserving coverage. In the absence of such evidence and in the event the Committee decides to recommend passage of H.R. 3247, it may wish to consider using "Spanish origin" rather than "mother tongue" as a triggering device. The list of jurisdictions which would be covered (subject to the discussion, infra, of what constitutes an English-only election) includes all the jurisdictions with 5% or more persons of Spanish mother tongue plus El Paso Co., Colorado. See Exhibit 32.

H.R. 3247 defines an English-only election as one in "which any State or political subdivision provided election or registration materials printed only in the English language." The list of covered jurisdictions attached to Representative Jordan's testimony includes some counties in New Mexico. That state, as I pointed out earlier, has ballots which are predominantly bilingual. The Florida Secretary of State's office advises us that some counties in Florida may use bilingual sample ballots. It is not clear whether partially bilingual election materials fall within the above definition of English-only elections,



and the Committee may wish to consider clarifying amendments.

H.R. 3501 would add to the special coverage of the Voting Rights Act states and political subdivisions with over 5% Spanish origin voting age population which conducted English-only elections in 1964 or 1968 if less than the national average voted in those elections. As noted above at this juncture use of Spanish origin for the trigger may be preferable to use of non-English mother tongue. However, I believe that legislation of this sort should not reach back over 10 years to the 1964 election to trigger coverage in 1975. By relying on the national average rather than 50% voter participation, H.R. 3501 would depart from the formula used in the 1965 and 1970 acts and approved by the Supreme Court. The Committee should examine carefully whether such a departure is warranted. Finally, it appears that H.R. 3501, while using English only elections in the triggering section, neglects to forbid or suspend the use of English only elections.



IV. In conclusion, I believe that the most urgent task of the Committee relating to the Voting Rights Act is to agree promptly on a bill extending §4 and §201 for an additional 5 years. Prompt action is necessary to ensure that the special coverage provision and the nationwide suspension of tests and devices are not allowed to expire. The second task, of equal importance, if not subject to the same time constraints, is consideration of the need for additional coverage to protect the rights of Mexican-Americans, Puerto Ricans, and Native Americans.

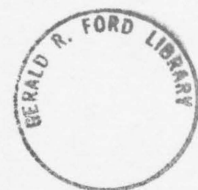


EXHIBITS

to the

TESTIMONY OF J. STANLEY POTTINGER  
BEFORE THE SUBCOMMITTEE ON CIVIL AND  
CONSTITUTIONAL RIGHTS, COMMITTEE ON THE  
JUDICIARY, U.S. HOUSE OF REPRESENTATIVES

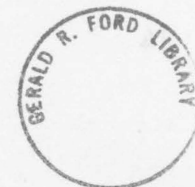
March 5, 1975



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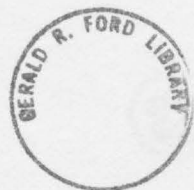


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# Voting Act Extension Gains

By Spencer Rich

Washington Post Staff Writer

In an overwhelming display of strength, the bill extending and expanding the 1965 Voting Rights Act for 10 more years won its first key Senate tests



panel in Washington determines that the changes won't reimpose discriminatory practices.

The bill would also impose a permanent nationwide ban on literacy tests and other devices used in the past to disen-

franchise them all. He sought to force a vote by sending the New Hampshire election contest back to the state for a new election, but the Senate postponed that vote until Sept. 15 on a motion by Democratic Whip Robert C. Byrd (D-

**Congressional Report**

# 2d Crucial Vote Due on Voting Act

The Senate is to take its second crucial vote today on the 10-year extension and expansion of the 1965 Voting Rights Act—a debate-limiting cloture	husband's rank at time of death. The veteran's rate is based on percentage of disability and on anatomical loss.	of the House bill, although exact figures were not available. The committee added \$75 million to provide loans of up to \$250 a month to unemployed	banded to prevent supersonic transport jets from landing at domestic airports by prohibiting any outlays for air traffic control of such planes. Spon-
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# Voting Rights Bill Modified in Senate

By Spencer Rich

Washington Post Staff Writer

The Senate, nearing passage of a bill to keep the 1965 Voting Rights Act alive, voted 52 to 42 yesterday to limit the extension to only seven years instead of 10.

The seven-year amendment by Democratic Whip Robert C. Byrd (D-W.Va.) was adopted despite pleas from the bill's sponsors that it would force a conference with the House and thus prevent final action on the bill by Aug. 6, when key provisions of the existing law expire.

The Senate, brushing aside what many interpreted as an 11th-hour appeal by President Ford for a wholesale revision of the 1965 act, beat back, 58 to 38, an amendment by Sen. John C. Stennis (D-Miss.) which sponsors said would "gut" the law by removing its main feature—special supervision of Southern elections.

Under the 1965 law, any state which had less than 50 per cent of its voting-age population registered or voting in the 1964 presidential election, and which used literacy tests, was automatically put under special federal voting supervision. Federal examiners and observers were appointed to see that qualified black persons weren't excluded from registering and voting, literacy tests were suspended, and any change in the state's election laws which might reimpose discrimination had to be approved by the U.S. Attorney General or a



JOHN C. STENNIS

... amendment defeated

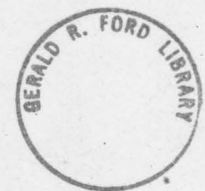
three-judge federal court in Washington before it could go into effect.

Seven Southern states automatically fell under these remedies because they met the "trigger" provisions, and the bill automatically would keep them under federal supervision until 1982, without any chance to "bail out."

Under other provisions of the 1965 act, these same remedies could be imposed on other states where voting discrimination was found, but none has ever been.

Stennis, James B. Allen (D-Ala.) and many other senators argued that the Southern states have been in "bondage" long enough. Instead of automatically extending all the

See VOTING, A4, Col. 1



July 25, 1975  
Washington Post

# Voting Act Approved By Senate

By Spencer Rich

Washington Post Staff Writer

The Senate crushed a series of Southern amendments last night and passed a bill extending the 1965 Voting Rights Act for seven years and expanding it to protect electoral rights of language-minority groups. The vote was 77 to 12.

The bill keeps seven Southern states (including Virginia), which averaged only 29.3 per cent black voter registration in 1964, under federal electoral supervision until Aug. 6, 1982.

The House bill, passed last month, continues this coverage until 1985. Senate sponsors had hoped to preserve the 10-year figure to ensure that the measure could be passed and sent directly to the White House without a conference. But they lost on the floor two days ago on a seven-year amendment by Democratic Whip Robert C. Byrd (W.Va.).

Sponsors of the Senate bill feared a conference would entangle the measure in new parliamentary difficulties that could endanger final enactment by the Aug. 6 expiration date of the current law.

However, just before passage last night, House Judiciary Committee Chairman Peter W. Rodino (D-N.J.) and Rep. Don Edwards (D-Calif.), chairman of the House subcommittee that handled the measure there, sent a letter to the Senate.

It said that, since the seven-year amendment was the only change, they would recommend that the House simply endorse the bill and send it

See VOTING, A4, Col. 1



Washington Post 7/28/75

## A Voting Rights Advance

**W**HEN THE VOTING RIGHTS ACT of 1965 was enacted, about 70 blacks held office in the Deep South. As of last November's election, one black from the seven states covered by the act held a seat in Con-

The evidence of what remains undone in the registering of black voters was sufficient to persuade the House to vote overwhelmingly to extend the act for 10 years. The Senate followed with an extension of seven years.



Washington Post 7/30/75

# Congress Votes to Extend Voting Rights Law 7 Years

United Press International

The House gave final congressional approval yesterday to a seven-year extension of the landmark voting rights law, which in the last decade has enfranchised more than a

seven entire Southern states and parts of others. It requires the seven—Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Louisiana—to sub-

groups. The bill also requires that states provide special bilingual voting instructions for language minorities.

The Senate last week was forced to limit debate twice to head off a threatened filibuster by Southerners. The bill





# Population Estimates and Projections

U.S. DEPARTMENT OF COMMERCE - Social and Economic Statistics Administration - BUREAU OF THE CENSUS

Series P-25, No. 526

Issued September 1974

## PROJECTIONS OF THE POPULATION OF VOTING AGE, FOR STATES: NOVEMBER 1974

This report presents projections of the population of voting age for States by race and broad age groups for the general election of November 1974. Also, included are estimates of the population of voting age and percent casting votes for President and Congress since November 1960. The information on number of votes cast for both Presidential and Congressional years was published by the U.S. Congress, Clerk of the House, Statistics of the Presidential and Congressional Elections and Statistics of the Congressional Elections. Appendix tables show current residence requirements and selected voter information.

Beginning in November 1972, the population of voting age includes all persons 18 years old and over as a result of the ratification of the 26th Amendment to the United States Constitution. The data shown in the tables of this report for November 1972 and 1974 relate to persons 18 years old and over in all States and the District of Columbia, including members of the Armed Forces stationed in each State. They exclude population overseas (about 500,000 Armed Forces, 50,000 civilian employees, plus their dependents of

voting age) who would be eligible to vote by absentee ballot in their home State.

For the elections prior to 1972, the voting-age population included persons 21 years old and over, except in the States of Georgia and Kentucky (18 years old and over), Alaska (19 years old and over), and Hawaii (20 years old and over).

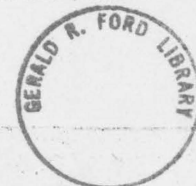
The Nation's electorate will reach 145 million persons in November 1974--an increase of 20 million persons or 16 percent since 1970, the last congressional election in a nonpresidential election year. Much of the growth in the voting population between 1970 and 1974 (nearly 12 million) can be attributed to lowering the voting age requirement to age 18 beginning with the Presidential election of November 1972.

The black population, which comprises 10 percent of the total electorate, will be considerably younger than the white population of voting age, due in large part to higher fertility rates among blacks. In November 1974, a larger proportion of blacks of voting age (23 percent) will be under 25 years old compared with only 18 percent of whites.

Table A. Black Population as a Percent of the Voting-Age Population in the United States and Regions, by Age: November 1974

Age	United States	North-east	North Central	South	West
18 years and over.....	10.1	8.5	7.6	16.5	4.6
Under 25 years.....	12.3	10.4	9.4	19.8	5.7
25 to 44 years.....	10.7	10.3	8.4	16.0	5.1
45 to 64 years.....	9.1	7.1	6.8	15.7	4.0
65 years and over.....	8.0	5.1	5.3	15.2	2.9

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and U.S. Department of Commerce district offices. Price 30 cents. Current Population Reports issued in Series P-20, P-23, P-25, P-26, P-27, P-28 (summaries only), P-60, and P-65 are sold as a single consolidated subscription at \$30.50 per year, \$7.75 additional for foreign mailing.



There has been a general decline in voter participation in nonpresidential election years since November 1962, from 46.3 percent to 43.8 percent in November 1970.

Outside the South, there was a general decline in voter participation in each of the regions during the last three nonpresidential election years. The Voting Rights Act of 1965 encouraged greater voting participation in the South and its peak participation occurred in 1968.

Table B. Percent Casting Votes for U.S. Representatives in Nonpresidential Election Years for Regions: 1962 to 1970

Region	1970	1966	1962
United States.	43.8	45.4	46.3
Northeast.....	48.8	52.2	54.1
North Central...	50.1	50.9	53.7
South.....	30.2	29.9	26.1
West.....	50.4	54.0	52.5

Falling participation rates are evident throughout most of the divisions and States. Of the 24 States that had 50 percent or more of their voting-age population voting in 1966, eight dropped below the 50 percent mark between 1966 and 1970. In the Congressional election of 1970, South Dakota, Montana, and Nebraska had more than 60 percent of the population voting, nearly 20 percentage points above the national average. Less than 20 percent voted in the States of Arkansas and Louisiana.

Traditionally, voter participation in congressional elections has been higher in presidential election years than in "off" years. In 1970, the last nonpresidential election year only 44 percent of the total voting-age population cast votes for representatives-- 8 percentage points lower than the 1972 congressional vote and 11 percent below the presidential vote.

The population of voting age includes a considerable number of persons who meet the age requirement but cannot register to vote, although the number of such persons is appreciably smaller than in past elections. Among these persons are aliens. On the basis of the 1970 percentage, about 3.2 million aliens of voting age will be residing in the United States in November 1974 (Table 2). Some other persons are not permitted to vote because they have been committed to prison, mental hospitals and other institutions. It is estimated that about 780,000 persons would be disenfranchised in 1974 because they are institutional inmates. The length of residence required by all States to establish eligibility in general elections, which at one time was as much as 2 years in Mississippi, is no longer a legal requirement.<sup>1</sup> Currently, States require a residence of only 30 to 50 days to complete whatever administrative tasks are necessary to prevent election fraud. See appendix table A-1 for current State residence qualifications.

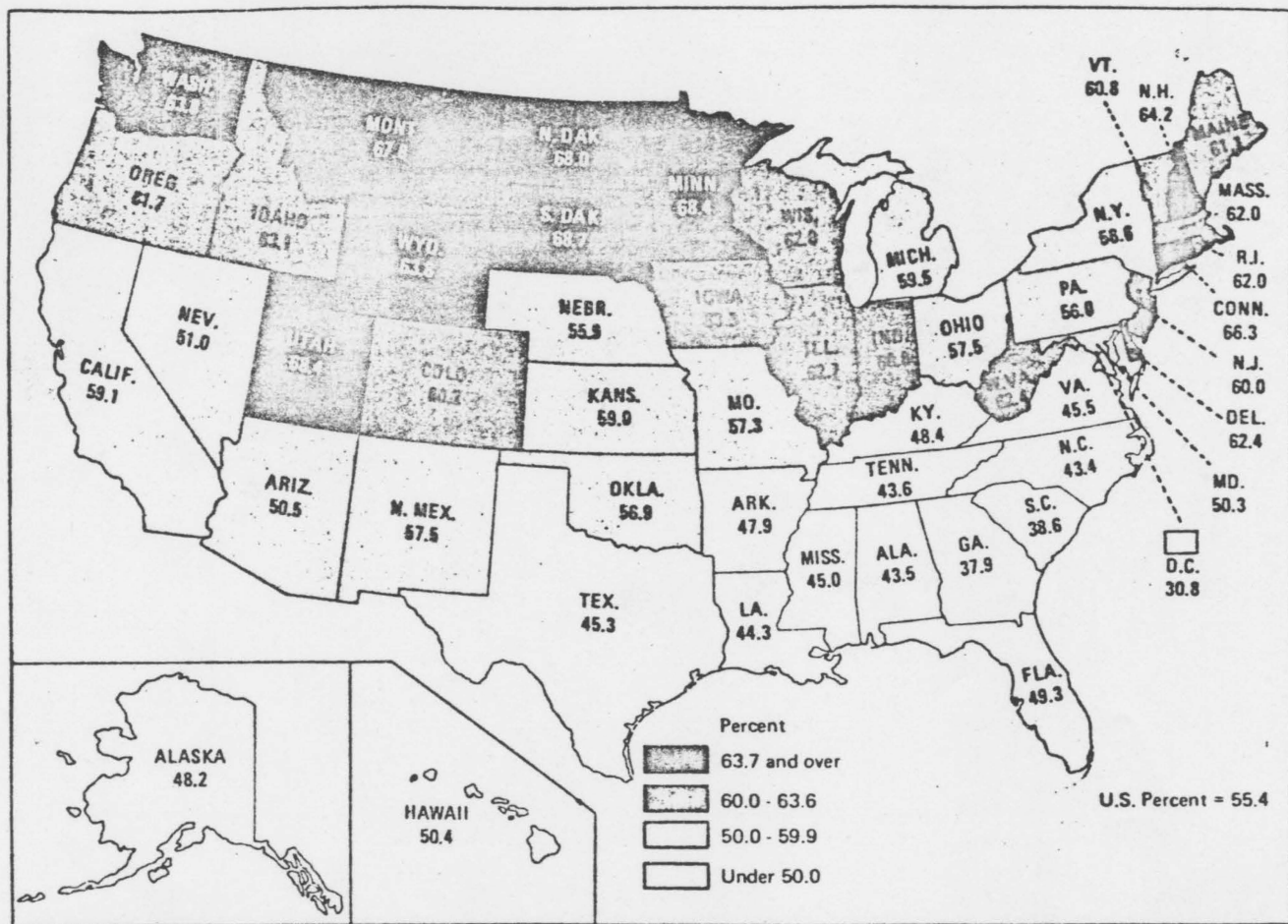
<sup>1</sup>In March of 1972, in the case of *Dunn v. Blumstein*, 405 U.S. 330, the United States Supreme Court abolished such requirements in State and local elections when it struck down Tennessee's one-year State and 3 month county requirements as unconstitutional. The Voting Rights Act Amendment of 1970 eliminated the residency requirement as a precondition to voting for President and Vice-President of the United States.

Table C. Percent Casting Votes for U.S. Representatives and for Presidential Electors for Regions: November 1960 to 1972

Region	U.S. Representative				Presidential electors			
	1972	1968	1964	1960	1972	1968	1964	1960
United States....	50.9	55.2	57.8	58.7	55.4	60.7	61.8	63.1
Northeast.....	54.9	59.2	63.5	67.7	58.5	63.9	67.3	70.4
North Central.....	58.0	63.4	67.6	70.5	60.7	67.1	70.0	73.4
South.....	38.2	42.2	40.8	32.5	46.1	52.0	47.6	44.7
West.....	57.1	59.0	63.2	63.5	59.4	61.3	65.0	66.6



### Percent of the Voting-Age Population Voting in 1972 Presidential Election



#### METHODOLOGY

The projections of the population of voting age by State for November 1974 by age and race were based on complete count 1970 population by age and race published in table 19 of the 1970 Census of Population, Characteristics of the Population, for each State, and provisional July 1, 1973 estimates of the total resident population by age for States published in Current Population Reports, Series P-25, No. 518. The census counts were adjusted slightly to agree with National and State totals used for apportionment purposes (U.S. total 203,235,298) and to correct for the overstatement of the "other races" population and of centenarians in the census.

The projections of the voting-age population for States, by age, for November 1974 were derived by extending the trend on the July 1, 1972 and 1973 estimates for 1 year and 4 months. The projections by age for States obtained in this manner were adjusted to add to a national projection of the population, by age.

In developing the estimates by race for each State, the 1960 and 1970 racial proportions in each age group were projected to November 1974 on the assumption that the patterns would continue into the current decade, but at about half the rate experienced during the 1960's. There is some evidence for this assumption since net interstate migration patterns differ considerably by race as indicated by the 1970 census. Between 1960 and 1970, there was net out-migration of blacks from the South while whites were experiencing net in-migration. However, since 1970, Current Population Survey data suggest that net in-migration of whites have continued, but at reduced rates, while net out-migration of blacks has largely disappeared.

These proportions were then applied to the appropriate estimate by age to yield estimates of the voting-age population by race. As a final step the sum of the estimates by age and race for each State were adjusted to equal an independent estimate of the national population by race and age.



The estimates of the population of voting age for States for each election prior to November 1970 were based on intercensal estimates of the resident population of States published in Current Population Reports, Series P-25, No. 460. The proportion of the population of each State which was 21 years and over (18 and over in Kentucky and Georgia; 20 and over in Hawaii and 19 and over in Alaska) in the two consecutive censuses was derived. Linear interpolation and extrapolation between the 1960 and 1970 census provided an estimate for each State for each of the election years. These proportions were then applied to the appropriate annual estimates of the intercensal population for States to yield estimates of the voting-age population. As a final step, these estimates were adjusted to add to an independent estimate of the voting-age population for the United States as a whole.

#### LIMITATIONS OF ESTIMATES

Since the procedure for developing the age projections involves a short-term extrapolation of age trends beyond the estimates for July 1, 1973, these numbers should be used with some discretion. The procedures used to develop the projections by race and age given here are substantially weaker than those used to prepare the overall age detail. The figures are designed primarily to provide gross patterns and levels of the voting-age population by race.

Small differences between figures as well as small changes over time should be interpreted cautiously.

#### RELATED REPORTS

The estimates of the voting-age population for November 1974 are consistent with estimates of the population of States by age for July 1, 1973 published in Current Population Reports, Series P-25, No. 518. Related data from the Current Population Survey on reported voter registration in the election of November 1972 are published in Current Population Reports, Series P-20, No. 253.

Estimates of the voting-age population for November 1972 for limited age groups based on the Current Population Survey together with detailed information on the characteristics of young potential voters (18 to 24) are published in Current Population Reports, Series P-20, No. 230.

A forthcoming report in Series P-20 will show survey data on voter participation and registration, by race and sex for the United States and regions for the upcoming general election.

#### ROUNDING OF ESTIMATES

The estimates presented in the tables of this report have been rounded to the nearest thousand without being adjusted to group totals which are independently rounded. The percentages are based on unrounded numbers.

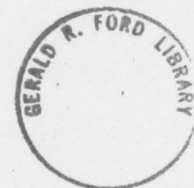


Table 1. Projections of the Population of Voting Age, by Race and Age for States:  
November 1974

Region, division, and State	All races				
	Total, 18 years and over	18 to 24 years	25 to 44 years	45 to 64 years	65 years and over
UNITED STATES.....	144,928,000	26,807,000	52,754,000	43,371,000	21,994,000
REGIONS:					
Northeast.....	34,602,000	5,851,000	12,247,000	11,030,000	5,474,000
North Central.....	39,184,000	7,323,000	14,147,000	11,646,000	6,068,000
South.....	45,626,000	8,711,000	16,684,000	13,285,000	6,968,000
West.....	25,517,000	4,922,000	9,696,000	7,413,000	3,486,000
NORTHEAST:					
New England.....	8,467,000	1,523,000	3,004,000	2,586,000	1,354,000
Middle Atlantic.....	26,135,000	4,328,000	9,243,000	8,444,000	4,120,000
NORTH CENTRAL:					
East North Central.....	27,688,000	5,188,000	10,154,000	8,301,000	4,045,000
West North Central.....	11,496,000	2,135,000	4,993,000	3,345,000	2,023,000
SOUTH:					
South Atlantic.....	22,759,000	4,279,000	8,297,000	6,700,000	3,483,000
East South Central.....	9,064,000	1,730,000	3,269,000	2,648,000	1,417,000
West South Central.....	13,803,000	2,702,000	5,098,000	3,937,000	2,066,000
WEST:					
Mountain.....	6,267,000	1,279,000	2,386,000	1,786,000	816,000
Pacific.....	19,250,000	3,643,000	7,310,000	5,627,000	2,670,000
NEW ENGLAND:					
Maine.....	700,000	123,000	242,000	210,000	125,000
New Hampshire.....	550,000	97,000	206,000	160,000	87,000
Vermont.....	316,000	62,000	116,000	87,000	51,000
Massachusetts.....	4,086,000	769,000	1,425,000	1,229,000	663,000
Rhode Island.....	691,000	131,000	231,000	217,000	112,000
Connecticut.....	2,124,000	341,000	784,000	683,000	316,000
MIDDLE ATLANTIC:					
New York.....	12,700,000	2,110,000	4,583,000	3,995,000	2,012,000
New Jersey.....	5,099,000	818,000	1,843,000	1,682,000	756,000
Pennsylvania.....	8,336,000	1,400,000	2,817,000	2,767,000	1,352,000
EAST NORTH CENTRAL:					
Ohio.....	7,281,000	1,350,000	2,666,000	2,204,000	1,061,000
Indiana.....	3,603,000	686,000	1,335,000	1,058,000	524,000
Illinois.....	7,646,000	1,371,000	2,792,000	2,337,000	1,146,000
Michigan.....	6,037,000	1,185,000	2,259,000	1,747,000	806,000
Wisconsin.....	3,121,000	596,000	1,102,000	915,000	508,000
WEST NORTH CENTRAL:					
Minnesota.....	2,634,000	509,000	956,000	735,000	434,000
Iowa.....	2,002,000	357,000	683,000	600,000	362,000
Missouri.....	3,296,000	581,000	1,149,000	970,000	596,000
North Dakota.....	431,000	89,000	143,000	128,000	71,000
South Dakota.....	461,000	90,000	149,000	141,000	81,000
Nebraska.....	1,068,000	201,000	367,000	307,000	193,000
Kansas.....	1,601,000	308,000	546,000	464,000	283,000
SOUTH ATLANTIC:					
Delaware.....	391,000	77,000	151,000	115,000	48,000
Maryland.....	2,781,000	522,000	1,090,000	830,000	339,000
District of Columbia.....	526,000	102,000	208,000	144,000	72,000
Virginia.....	3,331,000	672,000	1,275,000	970,000	414,000
West Virginia.....	1,238,000	211,000	417,000	400,000	210,000
North Carolina.....	3,635,000	736,000	1,362,000	1,060,000	477,000
South Carolina.....	1,831,000	396,000	691,000	522,000	222,000
Georgia.....	3,227,000	639,000	1,266,000	903,000	419,000
Florida.....	5,799,000	924,000	1,837,000	1,756,000	1,282,000
EAST SOUTH CENTRAL:					
Kentucky.....	2,296,000	438,000	820,000	674,000	364,000
Tennessee.....	2,881,000	531,000	1,071,000	851,000	428,000
Alabama.....	2,392,000	454,000	860,000	705,000	373,000
Mississippi.....	1,495,000	307,000	518,000	418,000	252,000
WEST SOUTH CENTRAL:					
Arkansas.....	1,417,000	212,000	485,000	422,000	268,000
Louisiana.....	2,457,000	507,000	908,000	703,000	339,000
Oklahoma.....	1,879,000	339,000	659,000	550,000	331,000
Texas.....	8,050,000	1,614,000	3,046,000	2,262,000	1,128,000
MOUNTAIN:					
Montana.....	484,000	92,000	172,000	148,000	72,000
Idaho.....	519,000	100,000	187,000	155,000	77,000
Wyoming.....	244,000	47,000	89,000	75,000	33,000
Colorado.....	1,719,000	370,000	678,000	465,000	206,000
New Mexico.....	731,000	154,000	283,000	207,000	87,000
Arizona.....	1,442,000	276,000	532,000	422,000	212,000
Utah.....	746,000	175,000	287,000	196,000	88,000
Nevada.....	382,000	65,000	158,000	118,000	41,000
PACIFIC:					
Washington.....	2,377,000	453,000	885,000	683,000	356,000
Oregon.....	1,587,000	284,000	572,000	477,000	254,000
California.....	14,509,000	2,728,000	5,528,000	4,256,000	1,997,000
Alaska.....	206,000	53,000	97,000	47,000	8,000
Hawaii.....	571,000	125,000	228,000	164,000	54,000

See footnotes at end of table.



Table 1. Projections of the Population of Voting Age, by Race and Age for States:  
November 1974—Continued

Region, division, and State	Black				
	Total, 18 years and over	18 to 24 years	25 to 44 years	45 to 64 years	65 years and over
UNITED STATES.....	14,648,000	3,308,000	5,626,000	3,855,000	1,756,000
REGIONS:					
Northeast.....	2,935,000	611,000	1,266,000	780,000	278,000
North Central.....	2,991,000	690,000	1,190,000	792,000	319,000
South.....	7,544,000	1,728,000	2,674,000	2,064,000	1,058,000
West.....	1,175,000	279,000	496,000	299,000	101,000
NORTHEAST:					
New England.....	255,000	60,000	116,000	59,000	20,000
Middle Atlantic.....	2,680,000	551,000	1,150,000	721,000	258,000
NORTH CENTRAL:					
East North Central.....	2,538,000	583,000	1,020,000	676,000	259,000
West North Central.....	453,000	107,000	170,000	116,000	60,000
SOUTH:					
South Atlantic.....	4,089,000	939,000	1,510,000	1,142,000	498,000
East South Central.....	1,549,000	346,000	492,000	439,000	272,000
West South Central.....	1,906,000	443,000	672,000	503,000	288,000
WEST:					
Mountain.....	123,000	33,000	53,000	27,000	10,000
Pacific.....	1,052,000	246,000	443,000	272,000	91,000
NEW ENGLAND:					
Maine.....	(S)	(S)	(S)	(S)	(S)
New Hampshire.....	(S)	(S)	(S)	(S)	(S)
Vermont.....	(S)	(S)	(S)	(S)	(S)
Massachusetts.....	120,000	31,000	52,000	27,000	10,000
Rhode Island.....	(S)	(S)	(S)	(S)	(S)
Connecticut.....	116,000	25,000	55,000	28,000	8,000
MIDDLE ATLANTIC:					
New York.....	1,487,000	302,000	670,000	390,000	125,000
New Jersey.....	510,000	111,000	222,000	130,000	47,000
Pennsylvania.....	683,000	138,000	258,000	201,000	86,000
EAST NORTH CENTRAL:					
Ohio.....	637,000	138,000	246,000	179,000	74,000
Indiana.....	233,000	54,000	91,000	63,000	25,000
Illinois.....	913,000	203,000	389,000	232,000	89,000
Michigan.....	673,000	165,000	257,000	185,000	66,000
Wisconsin.....	82,000	23,000	37,000	17,000	5,000
WEST NORTH CENTRAL:					
Minnesota.....	(S)	(S)	(S)	(S)	(S)
Iowa.....	(S)	(S)	(S)	(S)	(S)
Missouri.....	311,000	70,000	115,000	83,000	43,000
North Dakota.....	(S)	(S)	(S)	(S)	(S)
South Dakota.....	(S)	(S)	(S)	(S)	(S)
Nebraska.....	(S)	(S)	(S)	(S)	(S)
Kansas.....	71,000	19,000	25,000	17,000	10,000
SOUTH ATLANTIC:					
Delaware.....	49,000	12,000	19,000	13,000	5,000
Maryland.....	461,000	105,000	189,000	122,000	45,000
District of Columbia.....	369,000	78,000	156,000	102,000	33,000
Virginia.....	548,000	119,000	193,000	164,000	72,000
West Virginia.....	41,000	7,000	10,000	13,000	11,000
North Carolina.....	705,000	171,000	240,000	203,000	91,000
South Carolina.....	474,000	118,000	163,000	132,000	61,000
Georgia.....	743,000	177,000	269,000	198,000	99,000
Florida.....	699,000	152,000	271,000	195,000	81,000
EAST SOUTH CENTRAL:					
Kentucky.....	154,000	36,000	49,000	44,000	25,000
Tennessee.....	399,000	89,000	134,000	113,000	63,000
Alabama.....	537,000	115,000	169,000	157,000	96,000
Mississippi.....	459,000	106,000	140,000	125,000	88,000
WEST SOUTH CENTRAL:					
Arkansas.....	209,000	42,000	60,000	59,000	48,000
Louisiana.....	659,000	157,000	230,000	176,000	86,000
Oklahoma.....	110,000	26,000	36,000	29,000	19,000
Texas.....	928,000	218,000	346,000	239,000	125,000
MOUNTAIN:					
Montana.....	(S)	(S)	(S)	(S)	(S)
Idaho.....	(S)	(S)	(S)	(S)	(S)
Wyoming.....	(S)	(S)	(S)	(S)	(S)
Colorado.....	51,000	15,000	22,000	10,000	4,000
New Mexico.....	(S)	(S)	(S)	(S)	(S)
Arizona.....	35,000	8,000	14,000	9,000	4,000
Utah.....	(S)	(S)	(S)	(S)	(S)
Nevada.....	(S)	(S)	(S)	(S)	(S)
PACIFIC:					
Washington.....	48,000	14,000	19,000	12,000	3,000
Oregon.....	(S)	(S)	(S)	(S)	(S)
California.....	973,000	222,000	411,000	254,000	86,000
Alaska.....	(S)	(S)	(S)	(S)	(S)
Hawaii.....	(S)	(S)	(S)	(S)	(S)

S Data not shown where less than 50,000 Black population living in the State.



Table 1. Projections of the Population of Voting Age, by Race and Age for States:  
November 1974—Continued

Region, division, and State	Black				
	Total, 18 years and over	18 to 24 years	25 to 44 years	45 to 64 years	65 years and over
UNITED STATES.....	14,646,000	3,308,000	5,626,000	3,955,000	1,756,000
REGIONS:					
Northeast.....	2,935,000	611,000	1,266,000	780,000	278,000
North Central.....	2,991,000	690,000	1,190,000	792,000	319,000
South.....	7,544,000	1,728,000	2,674,000	2,084,000	1,058,000
West.....	1,175,000	279,000	496,000	299,000	101,000
NORTHEAST:					
New England.....	255,000	60,000	116,000	59,000	20,000
Middle Atlantic.....	2,680,000	551,000	1,150,000	721,000	258,000
NORTH CENTRAL:					
East North Central.....	2,538,000	583,000	1,020,000	676,000	259,000
West North Central.....	453,000	107,000	170,000	116,000	60,000
SOUTH:					
South Atlantic.....	4,089,000	938,000	1,510,000	1,142,000	498,000
East South Central.....	1,549,000	346,000	492,000	439,000	272,000
West South Central.....	1,906,000	443,000	672,000	503,000	288,000
WEST:					
Mountain.....	123,000	33,000	53,000	27,000	10,000
Pacific.....	1,052,000	246,000	443,000	272,000	91,000
NEW ENGLAND:					
Maine.....	(S)	(S)	(S)	(S)	(S)
New Hampshire.....	(S)	(S)	(S)	(S)	(S)
Vermont.....	(S)	(S)	(S)	(S)	(S)
Massachusetts.....	120,000	31,000	52,000	27,000	10,000
Rhode Island.....	(S)	(S)	(S)	(S)	(S)
Connecticut.....	116,000	25,000	55,000	28,000	8,000
MIDDLE ATLANTIC:					
New York.....	1,487,000	302,000	670,000	390,000	125,000
New Jersey.....	510,000	111,000	222,000	130,000	47,000
Pennsylvania.....	683,000	138,000	258,000	201,000	86,000
EAST NORTH CENTRAL:					
Ohio.....	637,000	138,000	246,000	179,000	74,000
Indiana.....	233,000	54,000	91,000	63,000	25,000
Illinois.....	913,000	203,000	389,000	232,000	89,000
Michigan.....	673,000	165,000	257,000	185,000	66,000
Wisconsin.....	82,000	23,000	37,000	17,000	5,000
WEST NORTH CENTRAL:					
Minnesota.....	(S)	(S)	(S)	(S)	(S)
Iowa.....	(S)	(S)	(S)	(S)	(S)
Missouri.....	311,000	70,000	115,000	83,000	43,000
North Dakota.....	(S)	(S)	(S)	(S)	(S)
South Dakota.....	(S)	(S)	(S)	(S)	(S)
Nebraska.....	(S)	(S)	(S)	(S)	(S)
Kansas.....	71,000	19,000	25,000	17,000	10,000
SOUTH ATLANTIC:					
Delaware.....	49,000	12,000	19,000	13,000	5,000
Maryland.....	461,000	105,000	189,000	122,000	45,000
District of Columbia.....	369,000	78,000	156,000	102,000	33,000
Virginia.....	548,000	119,000	193,000	164,000	72,000
West Virginia.....	41,000	7,000	10,000	13,000	11,000
North Carolina.....	705,000	171,000	240,000	203,000	91,000
South Carolina.....	474,000	118,000	163,000	132,000	61,000
Georgia.....	743,000	177,000	269,000	198,000	99,000
Florida.....	699,000	152,000	271,000	195,000	81,000
EAST SOUTH CENTRAL:					
Kentucky.....	154,000	36,000	49,000	44,000	25,000
Tennessee.....	399,000	89,000	134,000	113,000	63,000
Alabama.....	537,000	115,000	169,000	157,000	96,000
Mississippi.....	459,000	106,000	140,000	125,000	88,000
WEST SOUTH CENTRAL:					
Arkansas.....	209,000	42,000	60,000	59,000	48,000
Louisiana.....	659,000	157,000	230,000	176,000	96,000
Oklahoma.....	110,000	26,000	36,000	29,000	19,000
Texas.....	928,000	218,000	346,000	239,000	125,000
MOUNTAIN:					
Montana.....	(S)	(S)	(S)	(S)	(S)
Idaho.....	(S)	(S)	(S)	(S)	(S)
Wyoming.....	(S)	(S)	(S)	(S)	(S)
Colorado.....	51,000	15,000	22,000	10,000	4,000
New Mexico.....	(S)	(S)	(S)	(S)	(S)
Arizona.....	35,000	8,000	14,000	9,000	4,000
Utah.....	(S)	(S)	(S)	(S)	(S)
Nevada.....	(S)	(S)	(S)	(S)	(S)
PACIFIC:					
Washington.....	48,000	14,000	30,000	12,000	3,000
Oregon.....	(S)	(S)	(S)	(S)	(S)
California.....	973,000	222,000	400,000	254,000	86,000
Alaska.....	(S)	(S)	(S)	(S)	(S)
Hawaii.....	(S)	(S)	(S)	(S)	(S)

S Data not shown where less than 50,000 Black population living in the State.



Table 3. Estimates of the Percent Casting Votes for Presidential Electors and U.S. Representatives, by States: November 1960 to 1972

(Total votes cast as a percent of the population of voting age)

Region, division, and State	Percent casting votes for Presidential Electors <sup>1</sup>				X	Percent casting votes for U.S. Representatives <sup>1</sup>					
	1972	1968	1964	1960		1972	1970	1968	1966	1964	1962
UNITED STATES.....	55.4	60.7	61.8	63.1	50.9	43.8	35.2	45.4	57.8	46.3	58.7
REGIONS:											
Northeast.....	58.5	63.9	67.3	70.4	54.9	48.8	59.2	52.2	63.5	54.1	67.7
North Central.....	60.7	67.1	70.0	73.4	58.0	50.1	63.4	50.4	67.6	53.7	70.5
South.....	46.1	52.0	47.8	44.7	38.2	30.2	42.2	29.9	40.8	26.1	32.5
West.....	59.4	61.3	65.0	66.6	57.1	80.4	59.0	54.0	63.2	52.5	63.5
NORTHEAST:											
New England.....	63.1	67.7	70.0	75.4	58.4	52.9	62.5	54.8	66.3	58.2	71.6
Middle Atlantic.....	57.1	62.7	66.5	68.9	53.8	47.6	58.2	51.3	62.8	52.8	66.4
NORTH CENTRAL:											
East North Central.....	60.3	66.8	70.0	73.3	57.0	50.3	62.9	51.2	67.4	55.1	70.5
West North Central.....	61.8	67.7	70.1	73.6	60.4	49.7	64.7	50.0	68.0	50.3	70.6
SOUTH:											
South Atlantic.....	45.8	51.8	48.3	44.9	38.9	31.6	44.9	30.5	41.2	28.3	39.6
East South Central.....	45.0	52.7	45.0	44.1	41.9	42.8	34.5	34.5	40.6	25.6	32.6
West South Central.....	47.0	52.0	48.4	45.0	34.6	26.5	37.5	25.8	40.4	25.9	35.0
WEST:											
Mountain.....	59.1	63.0	66.0	67.0	57.4	30.0	60.5	53.2	65.1	53.6	66.6
Pacific.....	59.6	60.8	64.7	66.5	57.0	50.5	58.6	54.2	62.7	52.1	63.1
NEW ENGLAND:											
Maine.....	61.1	66.4	65.1	71.7	60.5	52.9	64.9	53.1	63.2	48.0	69.5
New Hampshire.....	64.2	69.5	71.8	78.7	60.6	47.4	66.2	56.1	70.1	56.5	75.7
Vermont.....	60.8	64.0	70.4	72.4	60.8	57.5	62.3	56.7	70.5	52.0	71.8
Massachusetts.....	62.0	67.4	70.0	75.6	54.4	50.9	59.5	53.4	63.0	59.1	69.2
Rhode Island.....	62.0	67.2	71.6	75.2	57.8	54.6	63.7	57.9	68.5	58.1	72.7
Connecticut.....	66.3	68.8	70.7	76.1	64.7	56.8	66.1	56.6	70.2	61.5	75.8
MIDDLE ATLANTIC:											
New York.....	56.6	59.9	64.8	67.3	52.2	47.2	53.8	49.3	61.1	49.4	64.0
New Jersey.....	60.0	66.0	68.7	70.8	56.7	46.6	61.9	49.6	65.7	47.9	67.8
Pennsylvania.....	56.0	65.3	67.9	70.3	54.5	48.7	62.9	55.4	63.7	61.0	69.6
EAST NORTH CENTRAL:											
Ohio.....	57.5	63.3	66.6	70.7	53.9	47.4	58.2	46.0	62.6	50.1	65.3
Indiana.....	60.8	70.7	73.5	76.3	60.4	55.7	67.9	57.6	72.9	63.2	75.8
Illinois.....	62.7	69.3	73.2	75.5	58.2	51.3	66.3	57.1	71.2	55.9	73.1
Michigan.....	59.5	65.7	67.9	72.2	55.8	49.3	60.5	48.5	64.8	57.3	70.1
Wisconsin.....	62.0	66.5	69.5	72.9	60.2	50.7	64.5	46.5	67.7	51.3	70.1
WEST NORTH CENTRAL:											
Minnesota.....	68.4	73.8	75.8	76.4	66.4	59.4	71.2	58.6	74.2	58.4	75.1
Iowa.....	63.3	69.8	72.9	76.5	61.8	45.5	67.2	53.6	70.3	48.3	73.6
Missouri.....	57.3	64.3	67.1	71.5	56.8	41.1	61.2	38.0	65.6	44.5	68.1
North Dakota.....	68.0	70.1	71.4	77.9	65.1	58.4	64.8	55.0	68.8	60.3	71.8
South Dakota.....	68.7	73.2	74.1	77.6	67.3	60.4	70.7	58.4	72.8	62.3	76.3
Nebraska.....	55.9	60.9	66.4	70.6	43.5	59.3	54.6	63.8	49.9	66.9	66.9
Kansas.....	59.0	64.8	65.1	69.7	56.5	52.2	60.7	50.2	61.7	46.3	65.3
SOUTH ATLANTIC:											
Delaware.....	62.4	68.3	69.0	72.2	59.8	49.2	64.0	54.2	68.1	54.0	71.7
Maryland.....	50.3	54.4	54.1	56.5	45.3	37.3	44.9	35.2	49.0	36.6	52.5
District of Columbia.....	30.8	34.4	38.7	-	29.6	-	-	-	-	-	-
Virginia.....	45.5	50.1	41.1	32.8	39.7	32.0	46.7	26.2	32.8	18.2	27.2
West Virginia.....	62.4	71.1	75.5	78.0	59.0	40.7	67.1	47.1	73.4	58.4	78.3
North Carolina.....	43.4	54.3	52.3	52.9	38.6	30.6	47.9	32.7	47.9	30.9	50.4
South Carolina.....	38.6	46.7	39.4	30.4	36.1	28.7	44.0	26.5	32.9	20.3	25.8
Georgia.....	37.9	43.4	43.3	29.2	28.8	29.5	33.1	31.3	31.7	13.1	22.9
Florida.....	49.3	53.0	51.2	48.6	36.9	28.1	42.9	27.5	39.1	27.3	39.3
EAST SOUTH CENTRAL:											
Kentucky.....	48.4	51.2	53.3	57.6	44.7	22.2	41.9	33.9	48.6	32.4	46.8
Tennessee.....	43.6	53.7	51.7	49.8	40.0	41.0	43.6	35.5	46.8	28.0	30.5
Alabama.....	43.5	52.7	35.9	30.8	42.0	36.3	45.7	35.8	32.2	23.8	23.7
Mississippi.....	45.0	53.2	33.9	25.3	41.0	24.9	36.5	31.6	29.9	13.4	21.9
WEST SOUTH CENTRAL:											
Arkansas.....	47.9	53.3	50.6	40.8	13.8	14.7	26.1	26.1	11.7	16.7	36.0
Louisiana.....	44.3	54.8	47.3	44.6	28.6	17.6	31.4	28.0	31.7	18.6	28.7
Oklahoma.....	56.9	61.2	63.4	63.1	45.2	42.1	52.6	42.7	57.1	42.3	58.6
Texas.....	45.3	48.7	44.6	41.2	37.7	27.5	37.9	20.8	44.4	25.8	36.4
MOUNTAIN:											
Montana.....	67.8	68.0	69.4	70.3	67.2	60.8	65.3	64.2	68.9	61.7	69.0
Idaho.....	63.1	73.3	77.2	79.7	61.5	56.0	69.6	65.6	75.1	66.1	77.0
Wyoming.....	63.8	67.1	74.2	72.7	63.8	58.6	65.0	61.7	72.4	60.5	69.8
Colorado.....	60.2	64.5	68.0	69.7	57.6	48.0	62.4	54.7	66.3	53.1	67.7
New Mexico.....	57.5	60.7	61.9	61.7	55.7	50.2	57.5	48.8	65.9	52.1	59.8
Arizona.....	50.3	49.9	54.8	52.4	45.9	38.1	47.5	39.7	52.5	41.7	49.6
Utah.....	68.4	76.7	78.2	78.2	71.7	63.9	75.5	57.9	77.3	62.7	77.1
Nevada.....	51.0	54.4	52.1	58.3	50.4	45.4	50.9	47.8	50.3	41.3	56.3
PACIFIC:											
Washington.....	63.8	66.0	71.7	71.9	56.5	49.2	61.0	51.2	68.2	49.7	65.1
Oregon.....	61.7	66.4	68.9	71.8	57.9	49.9	63.9	56.1	67.3	56.8	70.6
California.....	59.1	59.8	63.9	65.8	57.3	51.1	57.9	54.8	61.8	52.3	62.7
Alaska.....	48.2	49.9	43.9	43.7	48.2	44.9	48.3	41.8	43.9	40.8	42.5
Hawaii.....	50.4	53.8	51.3	49.7	51.3	44.0	55.3	49.9	56.9	49.9	49.2

- Represents zero.

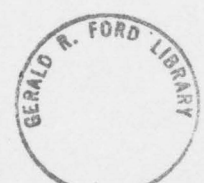
<sup>1</sup>Based on votes cast as shown in: U.S. Congress, clerk of the house, Statistics of the Presidential and Congressional Election and Statistics of the Congressional Election.



**Table 4. Estimates of the Resident Population of Voting Age by States: November 1960 to 1974**

(For years prior to 1972, population of voting age includes persons 18 years old in Georgia and Kentucky, 19 years old and over in Alaska, 20 years old in Hawaii and 21 years old and over in all other States. In 1972 comprises persons 18 years old and over in each State. Includes Armed Forces stationed in each State.)

Region, division, and State	1974	1972	1970	1968	1966	1964	1962	1960
<b>UNITED STATES</b> .....	144,929,000	140,068,000	124,498,000	120,285,000	116,638,000	114,063,000	112,958,000	109,874,000
<b>REGIONS:</b>								
<b>Northeast</b> .....	34,602,000	34,090,000	30,799,000	30,095,000	29,521,000	29,141,000	29,251,000	28,616,000
<b>North Central</b> .....	39,184,000	38,163,000	34,039,000	33,100,000	32,299,000	31,720,000	31,805,000	31,297,000
<b>South</b> .....	45,628,000	43,507,000	38,388,000	36,803,000	35,389,000	34,435,000	33,662,000	32,601,000
<b>West</b> .....	25,517,000	24,308,000	21,272,000	20,288,000	19,429,000	18,794,000	18,234,000	17,158,000
<b>NORTHEAST:</b>								
New England.....	8,467,000	8,237,000	7,337,000	7,128,000	6,955,000	6,833,000	6,781,000	6,609,000
Middle Atlantic.....	26,135,000	25,853,000	23,462,000	22,967,000	22,564,000	22,308,000	22,470,000	22,007,000
<b>NORTH CENTRAL:</b>								
East North Central.....	27,688,000	27,010,000	24,132,000	23,496,000	22,903,000	22,382,000	22,347,000	21,965,000
West North Central.....	11,496,000	11,152,000	9,907,000	9,604,000	9,396,000	9,338,000	9,458,000	9,342,000
<b>SOUTH:</b>								
South Atlantic.....	22,759,000	21,605,000	19,047,000	18,182,000	17,265,000	16,771,000	15,995,000	15,616,000
East South Central.....	9,064,000	8,711,000	7,841,000	7,610,000	7,431,000	7,302,000	7,033,000	7,087,000
West South Central.....	13,803,000	13,191,000	11,301,000	11,011,000	10,593,000	10,362,000	10,256,000	9,898,000
<b>WEST:</b>								
Mountain.....	6,267,000	5,797,000	4,858,000	4,590,000	4,388,000	4,295,000	4,189,000	3,947,000
Pacific.....	19,250,000	18,511,000	16,414,000	15,698,000	15,041,000	14,499,000	14,045,000	13,211,000
<b>NEW ENGLAND:</b>								
Maine.....	700,000	683,000	601,000	592,000	589,000	585,000	595,000	588,000
New Hampshire.....	350,000	320,000	452,000	427,000	408,000	398,000	391,000	376,000
Vermont.....	318,000	306,000	265,000	252,000	240,000	232,000	233,000	231,000
Massachusetts.....	4,086,000	3,968,000	3,538,000	3,459,000	3,391,000	3,349,000	3,333,000	3,266,000
Rhode Island.....	691,000	671,000	596,000	573,000	554,000	545,000	548,000	540,000
Connecticut.....	2,124,000	2,089,000	1,886,000	1,826,000	1,773,000	1,724,000	1,679,000	1,608,000
<b>MIDDLE ATLANTIC:</b>								
New York.....	12,700,000	12,663,000	11,543,000	11,336,000	11,175,000	11,066,000	11,247,000	10,965,000
New Jersey.....	5,099,000	4,997,000	4,507,000	4,358,000	4,232,000	4,142,000	4,089,000	3,919,000
Pennsylvania.....	8,336,000	8,193,000	7,412,000	7,273,000	7,159,000	7,100,000	7,135,000	7,122,000
<b>EAST NORTH CENTRAL:</b>								
Ohio.....	7,281,000	7,123,000	6,419,000	6,252,000	6,080,000	5,962,000	5,989,000	5,888,000
Indiana.....	3,603,000	3,496,000	3,104,000	3,003,000	2,915,000	2,845,000	2,836,000	2,799,000
Illinois.....	7,646,000	7,532,000	6,795,000	6,667,000	6,542,000	6,422,000	6,430,000	6,298,000
Michigan.....	6,037,000	5,868,000	5,200,000	5,032,000	4,885,000	4,719,000	4,665,000	4,598,000
Wisconsin.....	3,121,000	2,991,000	2,615,000	2,543,000	2,481,000	2,434,000	2,426,000	2,372,000
<b>WEST NORTH CENTRAL:</b>								
Minnesota.....	2,634,000	2,546,000	2,248,000	2,154,000	2,082,000	2,050,000	2,062,000	2,017,000
Iowa.....	2,002,000	1,936,000	1,712,000	1,673,000	1,641,000	1,625,000	1,661,000	1,666,000
Missouri.....	3,296,000	3,228,000	2,913,000	2,813,000	2,751,000	2,709,000	2,726,000	2,706,000
North Dakota.....	431,000	413,000	360,000	354,000	358,000	362,000	359,000	357,000
South Dakota.....	464,000	447,000	389,000	381,000	385,000	395,000	406,000	395,000
Nebraska.....	1,068,000	1,030,000	906,000	881,000	863,000	879,000	893,000	868,000
Kansas.....	1,601,000	1,553,000	1,380,000	1,346,000	1,316,000	1,318,000	1,352,000	1,334,000
<b>SOUTH ATLANTIC:</b>								
Delaware.....	391,000	378,000	326,000	314,000	301,000	292,000	284,000	272,000
Maryland.....	2,781,000	2,690,000	2,372,000	2,271,000	2,174,000	2,065,000	1,966,000	1,867,000
District of Columbia.....	526,000	530,000	483,000	495,000	506,000	513,000	527,000	513,000
Virginia.....	3,331,000	3,202,000	2,823,000	2,717,000	2,608,000	2,539,000	2,456,000	2,349,000
West Virginia.....	1,238,000	1,221,000	1,077,000	1,061,000	1,049,000	1,049,000	1,051,000	1,075,000
North Carolina.....	3,635,000	3,496,000	3,043,000	2,921,000	2,798,000	2,723,000	2,647,000	2,585,000
South Carolina.....	1,831,000	1,748,000	1,487,000	1,427,000	1,373,000	1,333,000	1,293,000	1,272,000
Georgia.....	3,227,000	3,098,000	2,985,000	2,851,000	2,717,000	2,634,000	2,546,000	2,507,000
Florida.....	5,799,000	5,242,000	4,451,000	4,124,000	3,839,000	3,623,000	3,442,000	3,176,000
<b>EAST SOUTH CENTRAL:</b>								
Kentucky.....	2,296,000	2,204,000	2,136,000	2,063,000	1,996,000	1,964,000	1,950,000	1,950,000
Tennessee.....	2,881,000	2,758,000	2,416,000	2,325,000	2,254,000	2,212,000	2,165,000	2,110,000
Alabama.....	2,392,000	2,314,000	2,042,000	1,993,000	1,968,000	1,919,000	1,874,000	1,850,000
Mississippi.....	1,495,000	1,435,000	1,253,000	1,229,000	1,213,000	1,207,000	1,205,000	1,177,000
<b>WEST SOUTH CENTRAL:</b>								
Arkansas.....	1,417,000	1,354,000	1,180,000	1,143,000	1,119,000	1,108,000	1,086,000	1,049,000
Louisiana.....	2,457,000	2,373,000	2,058,000	2,002,000	1,950,000	1,894,000	1,859,000	1,813,000
Oklahoma.....	1,879,000	1,809,000	1,605,000	1,540,000	1,489,000	1,471,000	1,478,000	1,431,000
Texas.....	8,050,000	7,655,000	6,658,000	6,327,000	6,035,000	5,899,000	5,832,000	5,605,000
<b>MOUNTAIN:</b>								
Montana.....	484,000	469,000	410,000	403,000	402,000	402,000	403,000	395,000
Idaho.....	519,000	491,000	418,000	397,000	384,000	379,000	385,000	377,000
Wyoming.....	244,000	229,000	198,000	190,000	184,000	192,000	193,000	192,000
Colorado.....	1,719,000	1,586,000	1,328,000	1,251,000	1,171,000	1,142,000	1,124,000	1,056,000
New Mexico.....	731,000	671,000	561,000	539,000	522,000	530,000	517,000	504,000
Arizona.....	1,412,000	1,295,000	1,056,000	975,000	917,000	878,000	836,000	760,000
Utah.....	746,000	699,000	583,000	551,000	530,000	512,000	506,000	479,000
Nevada.....	382,000	357,000	303,000	284,000	268,000	260,000	226,000	184,000
<b>PACIFIC:</b>								
Washington.....	2,377,000	2,306,000	2,078,000	1,975,000	1,833,000	1,754,000	1,774,000	1,737,000
Oregon.....	1,587,000	1,503,000	1,308,000	1,231,000	1,185,000	1,141,000	1,111,000	1,078,000
California.....	14,509,000	13,969,000	12,376,000	11,885,000	11,448,000	11,047,000	10,622,000	9,899,000
Alaska.....	206,000	197,000	178,000	166,000	158,000	153,000	148,000	139,000
Hawaii.....	571,000	536,000	473,000	439,000	417,000	404,000	390,000	371,000



## APPENDIX

**Table A-1. Residence Requirements for 1974 General Election, by State**

State	In State	In county	In precinct
Alabama.....	30 days.....	30 days.....	30 days
Alaska.....	30 days.....	30 days.....	30 days
Arizona.....	50 days.....	50 days.....	50 days
Arkansas.....	None.....	None.....	30 days
California.....	30 days.....	30 days.....	30 days
Colorado.....	32 days.....	None.....	32 days
Connecticut.....	Bonafide residence; no durational requirement		
Delaware.....	Bonafide residence; no durational requirement		
Florida <sup>1</sup> .....	60 days.....	60 days.....	None
Georgia.....	None.....	None.....	None
Hawaii.....	None.....	None.....	None
Idaho.....	Bonafide residence; no durational requirement		
Illinois.....	30 days.....	30 days.....	30 days
Indiana.....	None.....	60 days (Township).....	30 days
Iowa.....	None.....	None.....	None
Kansas.....	20 days.....	20 days.....	30 days
Kentucky.....	None.....	None.....	30 days
Louisiana.....	None.....	None.....	None
Maine.....	None.....	None.....	None
Maryland.....	28 days.....	28 days.....	28 days
Massachusetts.....	No durational requirement. Must be resident at close of registration		
Michigan.....	45 days.....	30 days.....	5th Friday before election
Minnesota.....	30 days.....	30 days.....	30 days
Mississippi.....	30 days.....	30 days.....	30 days
Missouri.....	30 days.....	30 days.....	30 days
Montana.....	30 days.....	30 days.....	30 days
Nebraska.....	None.....	None.....	2nd Friday before election
Nevada.....	30 days.....	30 days.....	10 days
New Hampshire.....	30 days.....	30 days.....	30 days
New Jersey.....	40 days.....	50 days.....	None
New Mexico.....	42 days.....	42 days.....	42 days
New York.....	30 days.....	30 days.....	30 days
North Carolina.....	30 days.....	30 days.....	30 days
North Dakota.....	30 days.....	30 days.....	30 days
Ohio.....	30 days.....	30 days.....	30 days
Oklahoma.....	No durational requirement		
Oregon.....	No durational requirement		
Pennsylvania.....	30 days.....	None.....	30 days
Rhode Island.....	30 days.....	30 days.....	30 days
South Carolina.....	30 days.....	30 days.....	30 days
South Dakota.....	None.....	None.....	None
Tennessee.....	30 days.....	30 days.....	30 days
Texas.....	31 days.....	31 days.....	None
Utah.....	Prior to last registration day		
Vermont.....	None.....	None.....	None
Virginia.....	No durational requirement		
Washington.....	30 days.....	30 days.....	30 days
West Virginia.....	30 days.....	30 days.....	30 days
Wisconsin.....	10 days.....	10 days.....	10 days
Wyoming.....	Bonafide residence		
District of Columbia.....	30 days.....	None.....	None

<sup>1</sup>Hinnant v. Sebesta, 363 F. Supp. 398 (M.D. Fla. 1973). A three-judge court declared that the 60-day durational residence requirement is unconstitutional and fails to pass the stringent standard of *Dunn v. Blumstein*, 405 U.S. 330, 344 (1972).

Source: Library of Congress, Congressional Research Service, Washington, D.C., corrected to April 1, 1974.

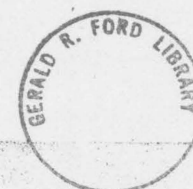


Table A-2. Election Information by State: 1974

State	Primary election dates	Election for--			Run-off dates
		Senate	U. S. Representative	Governor <sup>1</sup>	
Alabama.....	May 7	*	*	*	June 4
Alaska.....	August 27	*	*	*	(X)
Arizona.....	September 10	*	*	*	(X)
Arkansas.....	May 28	*	*	*	June 11
California.....	June 6	*	*	*	(X)
Colorado.....	September 10	*	*	*	(X)
Connecticut.....	( <sup>2</sup> )	*	*	*	(X)
Delaware.....	September 7	(X)	*	(X)	(X)
District of Columbia.....	September 10	(X)	( <sup>3</sup> )	(X)	(X)
Florida.....	September 10	*	*	*	October 1
Georgia.....	August 13	*	*	*	September 3
Hawaii.....	October 5	*	*	*	(X)
Idaho.....	August 6	*	*	*	(X)
Illinois.....	March 19	*	*	(X)	(X)
Indiana.....	May 7	*	*	(X)	(X)
Iowa.....	June 4	*	*	*	(X)
Kansas.....	August 6	*	*	*	(X)
Kentucky.....	May 28	*	*	(X)	(X)
Louisiana.....	August 17	*	*	(X)	September 28
Maine.....	June 11	(X)	*	*	(X)
Maryland.....	September 10	*	*	*	(X)
Massachusetts.....	September 10	(X)	*	*	(X)
Michigan.....	August 6	(X)	*	*	(X)
Minnesota.....	September 10	(X)	*	*	(X)
Mississippi.....	June 4	(X)	*	(X)	June 25
Missouri.....	August 6	*	*	(X)	(X)
Montana.....	June 14	(X)	*	(X)	(X)
Nebraska.....	May 14	(X)	*	*	(X)
Nevada.....	September 3	*	*	*	(X)
New Hampshire.....	September 10	*	*	*	(X)
New Jersey.....	May 14	(X)	*	(X)	(X)
New Mexico.....	June 4	(X)	*	*	(X)
New York.....	September 10	*	*	*	(X)
North Carolina.....	May 7	*	*	(X)	(X)
North Dakota.....	September 3	*	*	(X)	(X)
Ohio.....	May 7	*	*	*	(X)
Oklahoma.....	August 27	*	*	*	(X)
Oregon.....	May 21	*	*	*	(X)
Pennsylvania.....	May 21	*	*	*	(X)
Rhode Island.....	September 10	(X)	*	*	(X)
South Carolina.....	July 16	*	*	*	July 30
South Dakota.....	June 4	*	*	*	(X)
Tennessee.....	August 1	(X)	*	*	(X)
Texas.....	May 4	(X)	*	*	(X)
Utah.....	September 10	*	*	(X)	(X)
Vermont.....	September 10	*	*	*	(X)
Virginia.....	June 11	(X)	*	(X)	(X)
Washington.....	September 17	*	*	(X)	(X)
West Virginia.....	May 14	(X)	*	(X)	(X)
Wisconsin.....	September 10	*	*	*	(X)
Wyoming.....	August 20	(X)	*	*	(X)

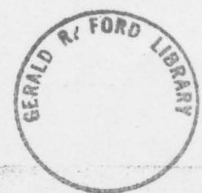
\* Denotes offices to be filled in State. (X) Not applicable.

<sup>1</sup> Length of term is 4 years, excepting Arkansas, New Hampshire, Rhode Island, and Vermont where terms are 2 years each.

<sup>2</sup> Postconvention primary can be held if convention action is contested by a candidate receiving a specified minimum percentage of the convention vote.

<sup>3</sup> Non-voting delegate.

Source: The Council of State Governments, The Book of the States.



**1973**  
**Republican Almanac**

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Political/Research Division, Republican National Committee  
310 First Street, SE, Washington, D.C. 20003  
George Bush Chairman



## REGISTRATION

Registration remains a difficult area for comparison due to the varying types of registration or lack of registration in each state.

Table 3 lists registration for each state, where available. Information in the table is based upon data collected from the Secretaries of State, or their equivalent, in each of the fifty states and the District of Columbia. Unless otherwise noted, the registration is the final total used for the November 7, 1972 General Election.

The letters included in Table 3 refer to the following types of registration:

- A - Voters register statewide, but do not indicate party affiliation.
- B - Voters register statewide and indicate a preference such as Republican, Democrat, Independent, Unaffiliated, etc.
- C - No statewide registration, although various cities and/or counties may maintain registration.
- D - Approximate registration only.

Six states are marked with asterisks (\*) for the following reasons:

While Maine, Massachusetts, and New York have party registration, a listing of registered voters by party for the 1972 election was not yet available for inclusion in this table.

Registration statistics for Kentucky, Oklahoma and Wyoming are as of May, June, and March 1972, respectively. Later figures were not yet available for inclusion in this table.

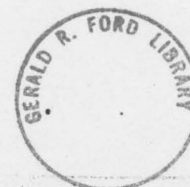
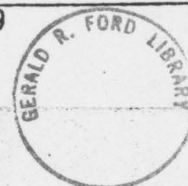


Table 3. Registration by State, 1972

State	Republican	Democrat	Other	Total	Type of Reg.	% Reg. of VAP
Alabama	---	---	---	1,763,845	A	77.6%
Alaska	24,581	43,076	81,303	148,960	B	74.5
Arizona	362,196	455,985	43,631	861,812	B	69.6
Arkansas	---	---	---	1,010,396	A	77.1
California	3,840,620	5,864,745	760,850	10,466,215	B	75.1
Colorado	343,193	413,539	462,859	1,219,591	B	78.3
Connecticut	420,210	554,111	533,282	1,507,603	B	71.6
Delaware	102,351	120,770	69,957	293,078	B	79.0
Dist. of Col.	39,598	233,101	32,373	305,072	B	59.0
Florida	974,999	2,394,604	117,855	3,487,458	B	68.3
Georgia	---	---	---	2,131,188	A	68.7
Hawaii	46,890	171,374	119,573	337,837	B	63.6
Idaho	---	---	---	397,019	A	82.9
Illinois	---	---	---	6,215,331	A	82.4
Indiana	---	---	---	3,018,578	A	86.0
Iowa	219,360	250,871	269,675	739,906	C	38.8
Kansas	---	---	---	1,065,730	D	69.2
Kentucky	475,764	946,169	32,642	1,454,575*	B	65.9
Louisiana	49,815	1,711,826	23,249	1,784,890	B	76.3
Maine	---	---	---	615,546*	B	92.4
Maryland	483,623	1,260,477	71,684	1,815,784	B	67.6
Massachusetts	---	---	---	3,099,877*	B	77.6
Michigan	---	---	---	4,762,764	A	81.1
Minnesota	No Statewide Registration				C	NA
Mississippi	---	---	---	1,030,000	D	73.4
Missouri	---	---	---	---	C	NA
Montana	---	---	---	386,867	A	84.1
Nebraska	401,409	370,993	34,865	807,267	B	79.0
Nevada	80,199	133,278	17,568	231,045	B	66.4
New Hampshire	177,054	129,365	143,295	449,714	B	86.3
New Jersey	---	---	---	3,672,606	A	73.1
New Mexico	151,203	321,513	32,716	505,432	B	79.5
New York	---	---	---	9,207,363*	B	72.1
North Carolina	541,916	1,729,436	86,293	2,357,645	B	68.1
North Dakota	No Statewide Registration				C	NA
Ohio	---	---	---	4,627,740	D	64.4
Oklahoma	287,003	942,188	17,966	1,247,157*	B	68.8
Oregon	473,907	673,710	50,059	1,197,676	B	79.8
Pennsylvania	2,697,694	2,993,092	181,116	5,871,902	B	72.0
Rhode Island	---	---	---	531,847	A	79.0
South Carolina	---	---	---	1,033,688	A	60.6
South Dakota	195,737	158,816	37,703	392,256	B	90.4
Tennessee	---	---	---	1,990,026	A	73.4
Texas	---	---	---	3,872,462	D	50.4
Utah	---	---	---	621,014	A	90.1
Vermont	---	---	---	273,056	A	88.4
Virginia	---	---	---	2,107,367	A	66.0
Washington	---	---	---	1,974,849	A	83.3
West Virginia	359,016	686,620	16,883	1,062,519	B	89.9
Wisconsin	No Statewide Registration				C	NA
Wyoming	63,099	55,552	20,285	138,936*	B	61.5
TOTAL	12,811,437	22,615,211	3,257,682	94,093,489		67.4



## VOTER TURNOUT

As previously noted, a record number of Americans voted for President in 1972. However, as Table 4 below indicates, the percentage of voter turnout was the lowest since the 1948 contest between Governor Thomas Dewey and President Harry Truman.

Table 4. Presidential Turnout, 1948-1972

	<u>1972</u>	<u>1968</u>	<u>1964</u>	<u>1960</u>	<u>1956</u>	<u>1952</u>	<u>1948</u>
Percentage Turnout	55.7	61.8	62.9	64.0	60.1	62.6	51.3

Several reasons for this comparatively modest turnout have been suggested, and when post-election survey results, compiled by such groups as the Michigan Survey Research Center, are completed and released, perhaps more concrete explanations than the speculation currently offered will be available. Among the reasons for non-voting presently in circulation are apathy, alienation, the failure of potential voters to register, and the increasing complexity and length of the ballot in many areas.

Much of this speculation has been applied particularly to the lower-than-expected turnout among youth. Yet, as only a few observers have noted, newly enfranchised voters have been historically slow in beginning their voting participation, usually frequenting the polls more often as they advance in age than they do at earlier ages. In 1972, youth participation at the polls conformed to this historic pattern.

Table 5 offers a detailed picture of voter turnout by state. Total turnout and registration statistics were collected from the Secretaries of State, or their equivalent, in each of the fifty states and the District of Columbia. Voting age population is from Census material already cited. Table 6 gives a history of voter turnout by state for federal elections, 1960- 1972.

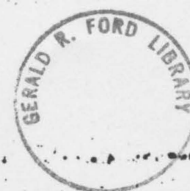


Table 5. 1972 Voter Turnout by State

Rank	State	Total Turnout	Registered Voters	Voting Age Population	% Voting of:	
					Reg.	V.A.P.
26	Alabama	1,006,093	1,763,845	2,274,000	57.0	44.2
51	Alaska*	95,219	148,960	200,000	63.9	47.6
32	Arizona*	653,505	861,812	1,239,000	75.8	52.7
33	Arkansas	651,320	1,010,396	1,310,000	64.5	49.7
1	California*	8,367,862	10,466,215	13,945,000	80.0	60.0
27	Colorado*	953,878	1,219,591	1,558,000	78.2	61.2
18	Connecticut*	1,384,277	1,507,603	2,106,000	91.8	65.7
46	Delaware*	235,516	293,078	371,000	80.4	63.5
49	Dist. of Col.*	163,421	305,072	518,000	53.6	31.5
9	Florida*	2,583,283	3,487,458	5,105,000	74.1	50.6
22	Georgia	1,171,019	2,131,188	3,104,000	54.9	37.7
45	Hawaii*	270,274	337,837	531,000	80.0	50.9
42	Idaho	310,379	397,019	479,000	78.2	64.8
3	Illinois	4,723,326	6,215,331	7,542,000	76.0	62.6
11	Indiana	2,125,529	3,018,578	3,509,000	70.4	60.6
20	Iowa	1,225,944	739,906*	1,909,000	*	64.2
29	Kansas	916,095	1,065,730	1,541,000	86.0	59.4
23	Kentucky*	1,067,499	1,454,575*	2,206,000	73.4*	48.4
24	Louisiana*	1,051,491	1,784,890	2,339,000	58.9	45.0
37	Maine*	417,042	615,546	666,000	67.8	62.6
19	Maryland*	1,353,812	1,815,784	2,688,000	74.6	50.4
10	Massachusetts*	2,458,756	3,099,877	3,955,000	79.3	62.2
6	Michigan	3,489,727	4,762,764	5,874,000	73.3	59.4
14	Minnesota	1,741,652	*	2,560,000	*	68.0
34	Mississippi	645,963	1,030,000*	1,403,000	62.7	46.0
13	Missouri	1,852,589	*	3,266,000	*	56.7
41	Montana	317,603	386,867	460,000	82.1	69.0
35	Nebraska*	576,289	807,267	1,022,000	71.4	56.4
48	Nevada*	181,766	231,045	348,000	78.7	52.2
40	New Hampshire*	334,055	449,714	521,000	74.3	64.1
8	New Jersey	2,997,229	3,672,606	5,025,000	81.6	59.6
39	New Mexico*	385,931	505,432	636,000	76.4	60.7
2	New York*	7,161,830	9,207,363	12,773,000	77.8	56.1
15	North Carolina*	1,518,612	2,357,645	3,463,000	64.4	43.9
44	North Dakota	280,514	*	402,000	*	69.8
5	Ohio	4,094,787	4,627,740*	7,185,000	88.5*	57.0
25	Oklahoma*	1,029,900	1,247,157*	1,812,000	82.6*	56.8
28	Oregon*	927,946	1,197,676	1,500,000	77.5	61.9
4	Pennsylvania*	4,592,105	5,871,902	8,161,000	78.2	56.3
38	Rhode Island	415,757	531,847	673,000	78.2	61.8
31	South Carolina	674,690	1,033,688	1,706,000	65.3	39.6
43	South Dakota*	307,415	392,256	434,000	78.4	70.8
21	Tennessee	1,201,182	1,990,026	2,713,000	60.4	44.3
7	Texas	3,471,281	3,872,462*	7,681,000	89.6*	45.2
36	Utah	478,476	621,014	689,000	77.0	69.4
47	Vermont	186,947	273,056	309,000	68.5	60.5
17	Virginia	1,457,019	2,107,367	3,197,000	69.1	45.6
16	Washington	1,470,847	1,974,849	2,371,000	74.5	62.0
30	West Virginia*	762,399	1,062,519	1,182,000	71.8	64.5
12	Wisconsin*	1,852,890	*	2,955,000	*	62.7
50	Wyoming	145,570	138,936*	225,000	*	64.7
	TOTAL	77,738,511	94,093,489	139,642,000	*	55.7

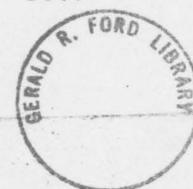
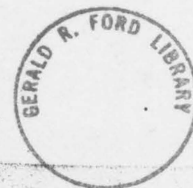


Table 5, continued

## NOTES\*:

Iowa: partial registration onlyKentucky: registration as of May 1972 primary only; percentage turnout is distorted since the number of voters registered between May and November was not available  
No.Minnesota: no statewide registrationMississippi: estimate of statewide registration furnished by Mississippi Republican PartyMissouri: no statewide registrationNorth Dakota: no statewide registrationOhio: partial registration onlyOklahoma: registration as of June 1972 only; percentage turnout is distorted since the number of voters registered between June and November was not available  
Jun, 1973 1,320,508Texas: partial registration only  
Jun, 1973 5,242,815Wisconsin: no statewide registrationWyoming: registration as of March 1, 1972 only; later figures unavailable

Percentage turnout of registered voters for the United States as a whole would be meaningless since several States do not report registration.

*[Handwritten signature]*

JAN 17 1974

94th CONGRESS  
1st SESSION

H.R. \_\_\_\_\_

(Original signature of Member)

IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_ and Mr. Edwards of California)  
Mr. Rodino (for himself) introduced the following bill; which was referred  
to the Committee on \_\_\_\_\_

**A BILL**

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years and to make permanent the ban against certain prerequisites to voting.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  
That section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Sec. 2. Section 201(a) of the Voting Rights Act of 1965 is amended by--

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.



94th CONGRESS } H.R. \_\_\_\_\_  
1st SESSION }

## A BILL

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years and to make permanent the ban against certain prerequisites to voting.

By Mr. Rodino and Mr. Edwards of California

....., 19.....—Referred to the

Committee on .....



JAN 17 1974

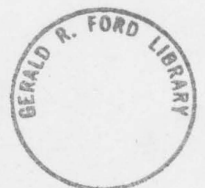
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WASHINGTON, D.C. 20540

MEMORANDUM CONCERNING BILINGUAL AND MULTILINGUAL ELECTION PROCEDURES

By

Thomas M. Durbin  
Legislative Attorney  
American Law Division  
March 5, 1974





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MEMORANDUM CONCERNING BILINGUAL AND MULTILINGUAL ELECTION PROCEDURES

Recently there have been four federal court decisions requiring the implementation of various bilingual election procedures for the purpose of aiding Spanish speaking persons: (1) Puerto Rican Organization For Political Action v. Kusper, F. 2d (C.A. 7, 12/18/73); (2) Torres v. Sachs, 73 Civ. 3921 (S.D. N.Y., 9/26/73); (3) Marquez v. Falcey, Civ. No. 1447-73 (D.C. N.J., 10/9/73); and (4) Arroyo v. Tucker, 73 Civ. 2247 (E.D. Pa. 10/5/73).

In the first case, Puerto Rican Organization For Political Action ("PROPA") v. Kusper, supra, the Court held that Chicago's monolingual election procedures contravened the Voting Rights Act of 1965 and ordered that bilingual election materials be prepared and distributed in appropriate places in Chicago. The Court also concluded that no Illinois law prohibited the election officials from giving voting assistance in Spanish. It was noted that the practice of the Board of Election Commissioners of refusing assistance in Spanish conflicts with the Voting Rights Act of 1965 and the Voting Rights Act Amendments of 1970, 42 U.S.C. §§1973 et seq. Congress, according to the Court, responded to the inequities caused by the literacy tests by outlawing them in States with low percentages of registrants or voters by passing the Voting Rights

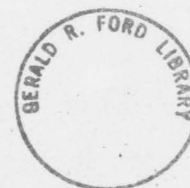


Act of 1965. In the same Act, Congress buttressed the right of Puerto Ricans to vote in the following language:

"Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language." 42 U.S.C. §1973 b(e)(1)

The "PROPA" Court was concerned with the meaning of the right to vote and found that the right to vote encompasses the right to an effective vote. The Court found that if a person who cannot read English is entitled to oral assistance (United States v. Mississippi, 256 F. Supp. 344 (S.D. Miss. 1966), if a Negro is entitled to correction of erroneous instructions (United States v. Post, 297 F. Supp. 46 (W.D. La. 1969), so a Spanish-speaking Puerto Rican is entitled to assistance in the language he can read or understand.

In the second case, Torres v. Sachs, supra, the Court ordered that the election officials: (1) Print or cause to be printed a Spanish translation of all propositions and amendments contained on the ballot; (2) print or cause to be printed all materials used in the election process which are or will be distributed to voters in both the Spanish and English language including voting instructions, sample ballots, and copies of amendments of propositions or abstracts thereof; (3) prepare signs which will state in Spanish that translations of all election materials are available; (4) provide a sufficient number of persons



bilingual in both Spanish and English at polling places containing 5 percent or more Puerto Rican or other Hispanic persons; and (5) prepare signs affixed to all tables at the polling places which state that Spanish translators are available to offer assistance to voters.

The third case, Marquez v. Falcey, supra, the Court noted that, under the Voting Rights Act of 1965 as amended, 42 U.S.C. § et seq., a United States citizen born in Puerto Rico may not have his right to vote conditioned on the ability to read, write, understand, or interpret any matter in the English language. Accordingly, the Court ordered that:

- (1) the official machine ballot be printed in English only, except that the instructions for operating the machine be in Spanish and English;
- (2) Election officials appoint two additional District Board of Elections members bilingual in Spanish and English, one Democrat and one Republican, who shall assist the Spanish-speaking voter;
- (3) election officials print or cause to be printed in the Spanish language a translation of the official sample ballot mailed to each registered voter in the election district;
- (4) election officials post the sample Spanish ballot conspicuously in the polling place and make available sufficient copies for distribution to Spanish-speaking voters within the polling place, which ballots are to be distributed only by election officials; and
- (5) election officials prepare signs of conspicuous size and type face to be posted in polling place which shall state in Spanish that a Spanish translation of the English sample ballot is available and that Bilingual election officials are also available for assistance.

In the fourth case, Arroyo v. Tucker, supra, the Court restrained the election officials in Pennsylvania from distributing any written materials in the voting processes for the November 6, 1973 elections unless they are prepared and distributed in English and Spanish.



As is apparent from the above cases, to ignore substantial numbers of prospective voters in a jurisdiction who speak a language other than English in regard to election materials, election advertising, ballots and voting assistance constitutes a violation of the rights guaranteed by The Voting Rights Act of 1965 as amended. Section 4 (e) of that Act (42 U.S.C. §1973b (e)) states:

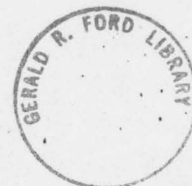
"(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability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

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

The Voting Rights Amendments of 1970, 42 U.S.C. §1973aa(a) and (b),

moreover, had the effect of abolishing the use of literacy tests.

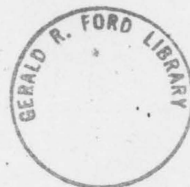
Accordingly, in light of such statutes, it can be argued that any



infringement of the right to vote of groups that speak languages other than English on the basis of their inability to read, speak, understand and interpret any matter in English, including the ballot, violates the purpose and effect of such Act. Thus, the "PROPA" case, supra, found that Section 4 (e) mandated bilingual election materials by holding:

"Section 4(e) requires that persons in the plaintiff class, notwithstanding their "inability to read, write, understand or interpret" English, be permitted to vote, i.e., to effectively register their political choice. If voting instructions and ballots or ballot labels on voting machines are printed only in English, the ability of the citizen who understands only Spanish to vote effectively is seriously impaired. It follows that the members of the plaintiff class are entitled to such assistance as may be required to enable them to vote effectively." (Id., 610-611)

Earlier, a Louisiana district court found that a state statute denying voting assistance to illiterates conflicted with the ban on literacy tests in the Voting Rights Act of 1965 as amended, United States v. Louisiana, 265 F. Supp. 703, 708 (E.D. La. 1966) aff'd, 386 U.S. 270 (1967). The Court held, inter alia, that a state law providing that "the inability to read or write shall not entitle a voter to assistance in the casting of his vote" abridged the right to vote as understood by Congress. The Court noted that, if an illiterate is entitled to vote, he is entitled to assistance at the polls that will make his vote meaningful. Similarly it can be argued for minorities speaking other languages, that if they are entitled to vote,

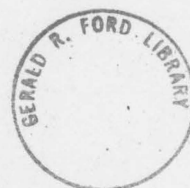


they are entitled to assistance at the polls that will make their vote meaningful.

Likewise, a Mississippi district court, in United States v. Mississippi, 256 F. Supp. 244 (S.D. Miss. 1966), read into the Voting Rights Act of 1965 a requirement that the States provide assistance to illiterate voters. As that Court stated:

We agree that the obvious sence of Congress is to assure not just registration but the full exercise of the right to vote itself. Indeed, the Act defines "vote" or "voting" in terms of any and "all action necessary to make a vote effective in any . . . election . . . [including] . . . casting a ballot . . ." 256 F. Supp. at 348.

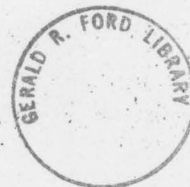
In many States there are statutes which provide for various types of voting assistance. The assistance authorized has been usually intended to be mechanical in marking the ballot and not informative in the choice of candidates, State Ex Rel. Melvin v. Sweeney, 94 N.E. 2d 785, 154 Ohio St. 223 (1950). The right has been customarily extended only to persons who, by reason of physical infirmity, are unable to mark their own ballots, Marilla v. Ratterman, 209 Ky. 409, 273 S.W. 69 (1925) and Hillert v. Schweppe, 234 S.W. 152 (Tex. Civ. App. 1921). However, in light of the Voting Rights Act of 1965 as amended, it seems that this concept of "assistance to voters" must necessarily extend to those members of the electorate who are unable to read, speak or understand English so that the ballots or sample ballots, the election materials and advertisements must be put in a language that they are able to understand in order for them to cast a meaningful vote.



Unquestionably, the right to vote is a fundamental right, and when an infringement of that right is charged, the courts will employ the strictest standard of review, Dunn v. Blumstein, 405 U.S. 330 (1972). The United States Supreme Court, in Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886) asserted that the political franchise "is regarded as a fundamental political right, preservative of all rights." In Reynolds v. Sims, 377 U.S. 533, 561 (1964), the franchise was described as "a fundamental matter in a free and democratic society. Harper v. Virginia State Board of Elections, 383 U.S. 663, 670 (1966), found that the right to vote is one of the "fundamental rights and liberties" to which the equal protection clause principles apply.

It can be argued that to effectively eliminate a minority group because of language difficulties from the right to vote in an intelligent and meaningful way violates the equal protection clause of the Fourteenth Amendment. If lingual voting assistance is not given to those classes that are illiterate in English, then their right to vote has been reduced to mere physical access to the polls. Courts have refused to tolerate election schemes which operate to dilute or render the vote meaningless, Wells v. Rockefeller, 394 U.S. 542 (1969); Hadley v. Junior College District, 397 U.S. 50 (1970); Avery v. Midland County, 390 U.S. 474 (1968).

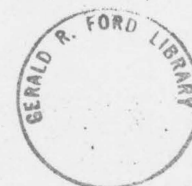
In Garza v. Smith, 320 F. Supp. 131, 136 (W.D. Tex. 1970), a three-judge court decided that a State could not provide voting assistance to the physically infirm voters while denying it to illiterate voters and still be in conformity with the equal protection clause of the Fourteenth Amendment; the Court said:



If the 'right to vote' consists only of the right to enter the voting booth without hindrance or discrimination, perform the physical act of voting, and have the vote so recorded counted in the total of like votes cast, we cannot say that the challenged provisions have an impact on the illiterate voter's ability to exercise the right. Except for physically disabled or blind illiterates, as to whom the issue is moot, an illiterate voter is capable of performing each element of the 'right to vote', as defined above, without hindrance from the the statutes in question. We decide, however, that the 'right to vote' additionally includes the right to be informed as to which mark on the ballot, or level on the voting machine, will effectuate the voter's political choice.

In other areas, Courts have recognized that a State's failure to account for a person's inability to speak English when he exercises certain rights results in a denial of those rights, U.S. Ex Rel. Negron v. State of New York, 434 F. 2d 386 (C.A. 2, 1970) (right to an interpreter at criminal trial); Serna v. Portales Municipal Schools, 351 F. Supp. 1279 (N.D. Mex. 1972) (right to bilingual instruction in education).

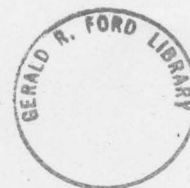
In short, to deny groups who are illiterate in English effective voter assistance may trigger a violation of the equal protection clause since there is a differentiation between those who are literate in English and afforded the right to vote versus those who are not literate in English and whose right to vote is thereby infringed upon. When such schemes treat persons differently with respect to their franchise, they must be subject to the exacting scrutiny of the compelling governmental interest test, Dunn



v. Blumstein, supra; Evans v. Cornman, 398 U.S. 419 (1970); Harper v. Virginia Board of Elections, supra.

Assuming that such election schemes that do not provide voter assistance to various substantial minority groups that are illiterate in English may be violative of the Voting Rights Act of 1965, as amended, and of the equal protection clause of the Fourteenth Amendment, what schemes and methods should the States adopt to comply not only with the statutory and constitutional requirements but also with the four recent Federal decisions discussed supra? It seems that the States and its localities should do the following to provide voter assistance to those illiterate in English:

1. Provide at least a sample ballot in the languages of the minority groups in the election district; distribute such ballot to all registered voters; and post such ballot in conspicuous places at polling places;
2. Print in the requisite foreign languages all materials used in the election process, such as: voting instructions, voter pamphlets, and copies of amendments and propositions;
3. Provide for, at least, two election officials, one Democrat and one Republican, who are bilingual to be present at each polling place where such minority groups will vote to render any necessary voter assistance;
4. Prepare signs of conspicuous size and type face to be posted in each polling where such minority groups will vote that will state that a translation of the English sample ballot is available and that bilingual election officials are also available for assistance.

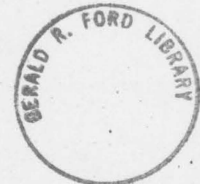


An obvious problem arises in jurisdictions that may have many groups speaking many different languages so that the logistics and the practical implementation of adopting such methods is impossible.

Torres v. Sachs, supra, may give an insight when such methods should be implemented; it asserts that bilingual--or even multilingual--assistance should be provided in an election-district which falls within any 1970 (or decennial census) "Census Tract" containing 5% or more persons speaking a certain foreign language. H.R. 2163 introduced by Congressman Roybal in the Ninety-Third Congress, First Session may give a further insight by providing:

"Whenever the Director of the Census, upon suggestion of the Attorney General, finds that over 7 per centum of the voting age population residing in a particular State or political subdivision thereof are persons whose primary language is other than English, and that less than 50 per centum of those persons so residing, though citizens, were not registered to vote in the last election through which electors for President of the United States were chosen, the Attorney General may apply to the appropriate District Court of the United States for an order that special Federal registrars who speak and understand the primary language of such citizens be appointed under the supervision of the Attorney General to facilitate the registration for voting by such citizens according to the lawful qualifications for voters established by the authority of the State in whose jurisdiction such citizens reside."

In short it is hard to say when voter assistance must be given to minority groups that speak a language other than English when the size of that group is the basis for determining whether assistance should be given. For the present, the 5% criteria as mentioned in Torres v. Sachs



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is probably the best guideline until a Federal Court of Appeals Court or the United States Supreme Court comes down with a definitive decision.

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March 5, 1974

