



**VOTING RIGHTS  
INSTITUTE**

Mr. T. Christian Herren, Jr.  
Chief, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
Room 7524 – NWB  
1800 G St., NW  
Washington, DC 20006

April 13, 2016

Dear Mr. Herren,

We have been contacted by an African-American leader and voter in Daphne, Alabama, alleging the discriminatory closing of polling places there. The City recently decided to reduce the number of polling locations in Daphne from five locations, positioned throughout the City, to two locations in the newly-drawn Districts 2 and 7 only. The City also recently passed a new redistricting plan and refused to provide leaders of the Black community with its effects on the voting age population in each district. This creates the possibility that the City has impermissibly diluted Black voting strength in violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the Constitution. We are concerned that these actions will provide minorities with less opportunity than other members of the electorate to participate in the political process and call upon the Department of Justice to investigate these matters without delay and take appropriate action.

On March 21, the Daphne City Council voted 4-3 to reduce the number of polling places in the City from five to two. The new plan preserves two existing polling locations: one at the Civic Center and one at Daphne High School. However, it eliminates the existing polling places for Districts 1, 2, and 3. This plan would force voters in District 1, which is a district with a sizeable Black population in Daphne, to travel more than two-and-a-half miles away from their current polling place while preserving the polling locations for most of the City's heavily white districts. The polling place changes would therefore have the result of providing Black voters with less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice in violation of 52 U.S.C. §10301.


The Daphne City Council also approved a new mid-cycle redistricting plan on March 21. Unfortunately, the plan's impact on Black voting strength in Daphne is at best unclear, since the City's contractor did not perform a formal analysis of the plan's effect on the Black voting age population. The

contractor, Carey Technology, only analyzed the new plan's effect on the Black voting age population in District 1 and only after being asked to provide such information by a Daphne resident during a public hearing. However, even then, Carey Technology limited its disclosure to the Black voting age population in District 1, rather than analyze the plan's effect on racial demographics in other districts.

The City was advised of concerns about the racial data under the new plan by, among others, Dr. Fred McBride of the Southern Center for Social Change ("SCSC"). In a December 8, 2015 letter he stated that "[v]oting age population figures are not listed on the information provided thereby raising questions about efforts to ensure that the proposed plan addressed minority group concerns." He also advised the City Council that this could constitute a violation of Section 2 of the Voting Rights Act, since discriminatory redistricting schemes qualify as unlawful devices within the meaning of the VRA. We are therefore concerned that the new redistricting map dilutes the influence of members of the Black community of Daphne, particularly those in District 1, which is represented by the City Council's only minority legislator, and District 3.

For these reasons, we urge the Department of Justice to investigate the Daphne City Council's reduction in the number of its polling places and enactment of a new redistricting plan that may dilute the electoral influence of its Black community. We are happy to provide you additional documents that we have received and collected detailing these allegations and, as always, are happy to discuss this further with you. Furthermore, we hope that you take action without delay.

Sincerely,



J. Gerald Hebert  
Executive Director & Director of Litigation



Harry Baumgarten  
Attorney