

More Information Requests and the Deterrent Effect of Section 5 of the Voting Rights Act¹

Luis Ricardo Fraga
Stanford University

Maria Lizet Ocampo
Stanford University

It is impossible to assess the impact of the Voting Rights Act (VRA) without a thorough consideration of the role of the Section 5 Preclearance Provision. This subdivision of the law transformed the traditional relationship between national and state governments in that it gave the Department of Justice (DOJ) and the United States District Court for the District of Columbia² the capacity to review directly the potential impact of a broad range of proposed changes in electoral procedures and practices to determine if they might be discriminatory. This *ex ante* intervention was specifically designed to expand voting rights to African Americans, and later specific language minorities, by limiting their need to seek legal remedies in the federal courts after jurisdictions had already held elections using allegedly discriminatory election systems. Section 5 was designed to overcome the burden on plaintiffs to file lawsuits challenging discriminatory voting

¹ This chapter is a revised version of an essay prepared for delivery at the symposium “Voting Rights and Democratic Participation: The Decade Ahead,” The Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity, University of California, Berkeley, School of Law (Boalt Hall), and the Institute of Governmental Studies, University of California, Berkeley, Washington, D.C., February 9, 2006. Portions of this chapter were submitted as a special report to the Senate Judiciary Committee regarding its hearings on the renewal of the Voting Rights Act, May 23, 2006.

² Because so few changes are submitted to the D.C. District Court, we will refer to submission to the DOJ as the primary arena within which Section 5 is administered. We fully acknowledge that a jurisdiction can, at any time, choose to submit their change to the D.C. District Court for review.

changes in federal courts within covered jurisdictions where local judges might be inclined to favor traditional political interests.³

The logic of Section 5 assumed that African Americans and language minorities were much more likely to have their interests fully considered by the Department of Justice (DOJ) or the D.C. Court than by a local federal district judge.⁴ When the constitutionality of the entire VRA, including Section 5 specifically, was upheld by the Supreme Court in *South Carolina v. Katzenbach*,⁵ so was the capacity of the DOJ and the D.C. Court to play a significant role in determining the impact of the Voting Rights Act. The role was expanded even further in *Allen v. State Board of Elections*⁶ in which the Supreme Court enlarged the scope of the VRA to prohibit practices and procedures that led to vote dilution, allowing vote dilution to be considered in preclearance reviews under Section 5.

The realization of the goals of Section 5 depends on both effective enforcement by the Department of Justice and the federal courts and voluntary compliance of covered jurisdictions. The number of personnel and other resources necessary to monitor the hundreds of thousands of decisions and actions taken by state and local governments in the process of conducting elections has been a perennial challenge to the federal government. Ironically, despite the principled position taken by Congress in 1965 and the Supreme Court in 1966 and 1969 to promote the full and effective participation of African Americans in all aspects of elections, neither body has distributed or mandated the amount of money necessary to ensure that full enforcement of all provisions of the VRA occurs.

Not surprisingly, a debate on the effectiveness of DOJ actions regarding Section 5 has always existed. Two main criticisms have been levied against the DOJ. First, it is argued that the DOJ has no comprehensive way of knowing whether or not all covered jurisdictions have submitted all relevant election-related changes for review. Second, because of the DOJ's dependence on voluntary submission, it has tended to engage in negotiations with covered jurisdictions that have not been as forceful or demanding as necessary to maximize the protection of voting rights. These two criticisms are outlined most clearly by Ball, Crane, and Lauth, where they describe these limits in implementing Section 5 as leading to "compromised compliance."⁷ Department of Justice officials, not surprisingly, argue that they do

³ Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944–1969* (N.Y.: Columbia University Press, 1976), 312–13.

⁴ Roman argues that the inclusion of the Department of Justice in Section 5 review was an afterthought by the Congress and that Congress expected most of the reviews to occur in the D.C. District Court. See John J. Roman, "Section Five of the VRA: The Formation of an Extraordinary Federal Remedy," *American University Law Review* 22 (2) (1972): 124.

⁵ 383 U.S. 301 (1966).

⁶ 393 U.S. 544 (1969).

⁷ Howard Ball, Dale Crane, and Thomas P. Lauth, *Compromised Compliance: Implementation of the 1965 Voting Rights Act* (Westport, Conn.: Greenwood Press, 1982), 57.

all that they can with the resources that they are given. Reliance on voluntary compliance is acknowledged, as is awareness that in some instances “second-best results” or the making of decisions largely on “political considerations” can occur.⁸ These officials, however, are confident that the DOJ has most often promoted “high levels of compliance” by covered jurisdictions nonetheless.⁹

The DOJ has consistently issued objections to submitted changes. Ball, Crane, and Lauth report that from 1965 to 1981, a total of 35,000 voting changes were submitted for preclearance. The DOJ objected to 815, or 2.3%, of these changes.¹⁰ Based on data maintained by the DOJ, from 1982 through July 29, 2005, a total of 387,673 changes were submitted to it by covered jurisdictions. The DOJ objected to a total of 2,282 changes. This represents 0.6% of all changes submitted during this period.¹¹ Only 54 changes were objected to between 2000 and July 29, 2005.

Interestingly, both critics and supporters of DOJ’s Section 5 enforcement present arguments about DOJ’s Section 5 enforcement record with little systematic analysis of longitudinal data regarding DOJ’s internal review of submissions and the ultimate disposition of submitted changes. Assessing DOJ actions based on the number of objections is useful, but it may miss other ways that the DOJ influences jurisdictions to comply with the VRA. In fact, interpreting the recent decrease in the number of objections issued by the DOJ as evidence that jurisdictions are now more prone to make electoral changes that comply with the VRA may underestimate the critical role that the DOJ can play in directing jurisdictions to comply. A systematic assessment of a fuller range of DOJ Section 5-related practices and decisions fills a critical gap in understanding the impact and continued need for Section 5 of the Voting Rights Act.

This essay is comprised of two parts. First, we describe the framework of DOJ-based Section 5 enforcement. We identify the major players, describe their primary goals and strategies, and detail the possible outcomes of DOJ Section 5 review. We do this to understand better the full range of stakeholders as well as their interests and choices to maximize gains in the complex arena of compliance with Section 5. In outlining this framework, we focus on the role of more information requests (MIRs) issued by the Department of Justice as part of its work in reviewing submitted changes. An MIR is contained in a formal letter from a senior official within the DOJ sent to the submitting jurisdiction requesting that it provide

⁸ Drew S. Days III, “Section 5 and the Role of the Justice Department,” in *Controversies in Minority Voting: The Voting Rights Act in Perspective*, ed. Bernard Grofman and Chandler Davidson (Washington: D.C.: The Brookings Institution, 1992), 61. From 1990 through July 29, 2005, a total of 802 objections to proposed changes have been issued by the DOJ. However, only 54 of these objections were issued between 2000 and 2005.

⁹ *Ibid.*

¹⁰ Ball, Crane, Lauth, (1982), 137.

¹¹ US Department of Justice. “Section 5 Objection Determinations.” http://www.usdoj.gov/crt/voting/sec_5/obj-activ.htm.

additional information about a proposed change in voting procedure or practice.¹² These letters state that the DOJ needs the requested information to evaluate fully whether or not the proposed change is consistent with the VRA. A letter may contain multiple requests for information. In sending such a letter, we argue that the DOJ may signal the submitting jurisdictions about the assessment of their proposed change.¹³ Second, we provide the first-ever analysis of the issuance and deterrent effect of MIRs for all voting changes submitted to the DOJ for the period January 1982 to July 2005.¹⁴ We categorize the changes by year submitted, type of voting change, and state. We then compare the number of changes to the number of objections. Finally, we note the number of MIRs issued and MIR-induced outcomes. We measure the impact of this MIR-induced compliance by specifying if, after receiving the MIR, the covered jurisdiction: (1) withdrew the proposed change,¹⁵ (2) submitted a superseding change that replaced the original change, or (3) never responded to the request or responded with insufficient information.¹⁶ Each of these three outcomes has the effect of invalidating the proposed change under the VRA since jurisdictions cannot institute a change without first obtaining preclearance.

In the end, we use our framework of compliance and our analysis of DOJ-generated data to quantify the critical role that MIRs have played in promoting compliance by covered jurisdictions. MIRs are among the mechanisms used by the DOJ to promote submission, facilitate full review, and develop understanding with all relevant players in the preclearance process. MIRs are far more frequently issued than are objection letters and are a much needed added measure to assess both compliance with and the continuing need for Section 5 of the Voting Rights Act. MIRs may, ultimately, be a better indicator of how much compromised compliance actually occurs in the process of Section 5 preclearance than objections.

Stakeholders and Interests in Compliance with Section 5

We define compliance as the submission to the DOJ,¹⁷ with full information, of all changes in voting procedures or practices, and the acceptance by the submitting jurisdiction of the determination made by the DOJ. We posit that there are

¹² Department of Justice, 28 C.F.R. §51.37, *Procedures for the Administration of Section 5 of the Voting Rights Act of 1965*, as amended.

¹³ Three examples of more information letters appear in Appendix A.

¹⁴ Only partial data are presently available from the Department of Justice for 2005.

¹⁵ The three letters in Appendix A resulted in withdrawals.

¹⁶ Collectively, we refer to these categories as MIR-induced outcomes. The inference that we draw from the MIR-induced outcomes is supportable based upon our analysis. We note, however, that there could be some circumstances in which a voting change is withdrawn as a result of circumstances external to preclearance.

¹⁷ Or the District Court of the District of Columbia. See fn. 1.

three primary set of actors¹⁸ in the process of compliance with Section 5 of the Voting Rights Act. The first set of actors includes the covered jurisdiction and those officials within a jurisdiction with direct responsibility for overseeing elections and voting. Under the VRA in 1965, a number of states, largely in the South, were subject to the Section 5 Preclearance Provision. They were identified on the basis of the trigger formula in the act. The trigger formula was modified in 1970 and especially in 1975 when the VRA was expanded to include language minorities, specifically Latinos, Asian Americans, Native Americans, and Alaska Natives. At present, nine entire states are covered under Section 5, as are fifty-four additional counties and twelve individual townships in other states.¹⁹ All governmental subdivisions within a covered jurisdiction are also covered under the Section 5 provision. The second set of actors is comprised of African-American and language-minority voters who live in covered jurisdictions. We include in this set of actors, advocacy groups such as the Lawyer's Committee for Civil Rights (LCCR), the NAACP Legal Defense Fund, and the Mexican American Legal Defense and Education Fund (MALDEF) as well as private attorneys who represent African-American and language-minority voters. The final set of actors we identify in the preclearance process is contained within the Department of Justice. DOJ actors affecting Section 5 are the attorney general, the assistant attorney general for the Civil Rights Division, and the attorneys and analysts or paraprofessionals in the voting section who are generally the first to review a submission.

Each set of actors has a distinct set of goals in Section 5 Preclearance. Covered jurisdictions' primary goal is to implement a proposed voting change. That is, regardless of the nature or purpose of a voting change, the jurisdiction has, consistent with the distribution of political influence currently operating within it, decided to make the change and will want to see it precleared and put into practice. By comparison, the primary goals of African-American and language-minority voters as well as their advocates is to maximize their rates of voting participation and related election of first-choice candidates to public office and also prevent the implementation of voting changes that discriminate against them. Lastly, the primary goal of the DOJ is to guarantee that proposed voting changes comply with

¹⁸ We do not include federal judges, members of Congress, or the president as primary actors. Clearly they have affected the evolution of Section 5 through court decisions and modifications of the legislation. We suggest that these players are better understood as decision-makers who sporadically affect interpretations of Section 5, but are not consistent participants in its implementation.

¹⁹ The states covered in their entirety are: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia (six counties and three cities in Virginia have successfully bailed out of coverage). The number of covered counties in states not covered as a whole are: California-4, Florida-5, New York-3, North Carolina-40, and South Dakota-2. The number of townships in states not covered as a whole are: Michigan-2 and New Hampshire-10. The entire list of covered jurisdictions can be found at: http://www.usdoj.gov/crt/voting/sec_5/covered.htm.

current legal standards of the Voting Rights Act, namely that they do not have a retrogressive purpose or effect. What becomes immediately apparent is that the goals of each of these actors are not necessarily consistent with one another, although alignment is theoretically possible.

What strategies and related actions, then, are pursued by each set of actors in their attempts to attain the goals specified above? This is where we begin to see the critical role that MIRs can play in affecting assessments of Section 5's effectiveness. There are four primary strategies that a covered jurisdiction can pursue to implement a desired change: (1) implement the change without submitting it to the DOJ; (2) implement changes but selectively submit only some of them to the DOJ; (3) submit changes for preclearance with only limited or biased information in anticipation that the DOJ might not preclear a full submission; or (4) provide a full submission with all relevant information to the DOJ.²⁰ Clearly the first three strategies are not in compliance with the spirit or letter of the VRA. There are two primary strategies pursued by African Americans, language minorities, and those acting on their behalf: (1) monitor changes in election procedures or practices occurring within jurisdictions, and (2) assess these changes to determine if they are discriminatory or not. Lastly, the DOJ has four strategies it can pursue in assessing submissions it has received: (1) rely upon the information provided by the covered jurisdiction and included within its original submission; (2) rely upon the information provided by African Americans and language minorities in their assessments of proposed changes; (3) secure information through independent research; or (4) secure additional information from the submitting jurisdiction through the issuance of a more information request (MIR). There is variation in the extent to which some actors can pursue multiple strategies simultaneously. Submitting jurisdictions are legally limited to one strategy (full submission and disclosure), however minority groups and the DOJ can pursue several of the identified strategies at the same time.

The last step in our framework is analyzing the outcomes that can result from the Section 5 review process. Past studies have analyzed Section 5 outcomes, and thus effectiveness, based solely on whether the DOJ approves a proposed change or issues an objection. Issuing an objection is the ultimate sanction that the DOJ can impose under Section 5 and is the clearest indication that a jurisdiction is proposing a change that has a discriminatory purpose or is likely to have a discriminatory effect. The primary criticism levied against the DOJ in this context is the low number of objections it issues. This criticism, however, misses other ways in which DOJ can influence covered jurisdictions' adoption of voting changes that may have a discriminatory purpose or effect.

Our study focuses on the effect DOJ can have on covered jurisdictions' implementation of voting changes by issuing more information requests (MIRs). MIRs can affect implementation of voting changes because covered jurisdictions

²⁰Guidelines for jurisdictions submitting changes to the DOJ are located at: http://www.usdoj.gov/crt/voting/sec_5/guidelines.htm.

can take four distinct actions in response to an MIR. First, a covered jurisdiction can respond to the MIR by supplying the requested information. Second, it can withdraw the proposed change. Third, it can submit another change that supersedes the original proposed change in response to the questions raised in the MIR. Finally, it can choose not to respond to the MIR. In each of the last three circumstances, the covered jurisdiction, if it is complying with the law, will not implement the original proposed change since a covered jurisdiction may not legally implement any voting change without first obtaining preclearance. As such, withdrawal, superseded change, and no response can be understood as having the same ultimate impact as the issuance of an objection. For their part, African-American and language-minority voters may react to DOJ's administrative review by either accepting DOJ's determination or challenging the voting change independently in a court of law, although it is less likely such litigation will be successful if the proposed change has been approved by the DOJ.

Our framework of compliance is outlined in Figure 3.1. The framework serves three purposes. First, it places any assessment of the impact of Section 5 within the appropriate context of the range of actors, goals, strategies, and potential consequences that comprise complex and interdependent relationships that arise. Second, it allows us to appreciate fully the critical role that MIRs can play in promoting Section 5 compliance. While objections are one indicator of DOJ enforcement efforts, the issuance and consequences of MIRs are also important. MIRs serve as a means through which the DOJ enhances the information that it has available to assess a proposed change, which can reduce the chances that determinations are based on limited, biased, or simply incomplete information. Moreover, MIRs can signal to jurisdictions that a proposed change might be problematic, for example, have a discriminatory impact the jurisdiction had not recognized. Third, by specifying actors, goals, strategies, and consequences, we are in a better position to assess the past and future consequences of the implementation of Section 5. This assessment should help inform any possible revision in the structure and implementation of Section 5.

The Role of MIRs in Section 5 Compliance, 1982–2005

Sources of Data

Our analysis utilizes data provided by the Department of Justice. We requested any combination of reports that showed changes, objections, and more information requests by year, jurisdiction, and change type for years 1982 to 2005. Additionally, we requested any reports showing MIRs since 1982 that resulted in changes being withdrawn and then subsequently resubmitted.

In response, DOJ provided Submission Tracking and Processing System (STAPS) Statistic Reports for Changes and Objections by year and state as well as

Figure 3.1. Compliance under Section 5

Actors	Goals	Strategies	Outcomes
Covered Jurisdiction	Implement proposed change	Not Submit Selectively Submit Submit with limited/ biased information Submit with full information	Respond to MIR No response Superseded change Withdrawal Litigate
Affected Groups African Americans Language Minorities Advocacy Groups	Maximizing voting and representation	Monitor changes Assess changes	Accept Litigate
Dept. of Justice Attorney General Asst. AG Civil Rights Chief Voting Section Attorneys Voting Section Analysts/Paraprofessionals Voting Section	Guarantee that proposed electoral procedures, practices, and effects comply with VRA	Rely upon information from covered jurisdiction Rely upon assessment of Af. Ams., language minorities Secure own information (FBI) Secure additional information through more information requests (MIRs)	Preclear Object More Information Follow-up

by year and change type. No statistics report that combined both state and change type for submissions and objections was available. No statistics report was available for More Information Requests that showed change type and state, and no statistics report was available for withdrawals. One MIR report was available that listed total MIRs by submission number. DOJ also provided a “Submission Listing Report: Followup and Study Report for the Action ASK” for all states. Initially, DOJ produced this information for individual states, but in the process of our FOIA requests, DOJ’s records software was updated and the report was modified to include all states. This 3,483-page document provides a summary of all actions taken at the DOJ regarding a submitted change receiving an MIR; therefore, it is more instructive of the impact of MIRs than the reports that simply summarize final changes and objections.

In the end, we coded the following information for each submitted change receiving an MIR: state, county, subjurisdiction, submission number, change type, number of MIRs, more information follow-ups, and the final outcomes of the original change submitted for the period January 1982 to July 2005. Summary reports with this information are not maintained by the DOJ. We generated all of these summary statistics based on the detailed information on each submission maintained by the DOJ.

The MIR data were coded into fifteen change types to mirror the categories used by the DOJ. These categories were: redistricting, annexation, polling place, precinct, re-registration or voter purge, incorporation, bilingual procedures, method of election, form of government, consolidation or division of political units, special election, voting methods, candidate qualifications, voter registration procedures, and miscellaneous.²¹

Outcomes of the issuance of MIRs were initially coded into the twenty-seven categories used by the DOJ. These were further reduced to fourteen categories. We focus our analysis on three specific outcome categories: (1) objection, (2) no objection, and (3) the sum of withdrawals, no determination (ND)/superseded, and no response.²² “Objections” refer to the issuance of a formal objection letter by the DOJ. “No objection” refers to an approval in the process of preclearance. The “withdraw” category contains all submitted changes issued a MIR that ended in withdrawal or no determination/withdrawal. In such circumstances, the jurisdiction withdrew the proposed change initially submitted. Changes that ended in “ND/superseded” occur when the jurisdiction submitted another proposed change to replace the change initially submitted. Finally, the “no response” category includes changes initially submitted that resulted in an MIR or more information follow-up, but no additional information was received. A “more information follow-up” is when an additional request for more information follows an initial

²¹ A listing of all categories of change type appears in Appendix B.

²² A complete listing of coding categories for the impact of MIRs is provided in Appendix C.

MIR. In these circumstances, the additional information received in response to the first MIR was insufficient for DOJ to make a determination on the change. In each of the circumstances—withdrawal, no determination/superseded, and no response—the initial change has no legal approval to be implemented. As such, the impact of each of these outcomes can be understood as similar to the outcome that results from the issuance of a letter of objection. That is, the submitted change has no legal standing to be implemented.²³ As importantly, in each of these circumstances, the final outcome of the change was determined by the submitting jurisdiction: the jurisdiction chose to withdraw, submit a superseding change, or not provide the information necessary.

The Context of Compliance

Table 3.1 reveals that the total number of changes submitted by covered jurisdictions varies from year to year. The smallest number of changes submitted was 12,416 in 1983, and the largest number was 22,763 in 1992. The numbers go up in 1992 and 2002, years in which reapportionment and related redistricting have their greatest impact as a result of new population data provided by a decennial Census.²⁴ A grand total of 387,673 changes were submitted between 1982 and July of 2005.

As indicated in Table 3.2, the largest number of changes submitted, 94,261 (24.3%), were modifications to polling places, followed by annexations at 78,186 (20.2%), precincts at 53,438 (13.8%), and voter registration procedures at 41,337 (10.7%). These four types of changes accounted for 68.9% of all changes submitted. The “miscellaneous” category accounted for 53,492 (13.8%) of all submissions. The main categories of submitted changes do not change dramatically across the seventeen years examined.

More submitted changes consistently come from the states of Texas and Georgia relative to any other states, as revealed in Table 3.3. This is most likely because those states contain a large number of political subjurisdictions including counties, cities/towns, school districts, water districts, and sanitation districts, among others. Texas also has more counties than any other state, with 254. Texas surpasses all of the other states by far with a total of 162,397 submitted changes from 1982 to 2005. It is followed by Georgia with a total of 53,646 submitted

²³ We are fully aware that the DOJ does not have the capacity to monitor whether or not these changes are subsequently implemented. We note that this is true for the DOJ even when it issues an objection letter.

²⁴ Reapportionment and redistricting periods encompass not only redistricting plans, but other related voting changes, including rerouting voting precinct boundaries to correspond to new districts, polling place changes to address new voting precinct boundaries, changes in voter registration locations, and many other related election rules and procedures.

Table 3.1. Number of Changes, Objections, and MIR-Induced Outcomes by Year, 1982-2005

Year	All Submissions		More Info Requests		Outcomes for Changes Receiving a MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	MIR-Induced Outcome	MIR-Induced Outcome and Objections	MIR Outcome/ All Objections
1982	14,287	111	954	94	845	45	5	1	1	7	118	0.06
1983	12,416	70	1023	334	785	65	45	10	3	58	128	0.83
1984	16,489	110	1067	246	853	25	26	2	8	36	146	0.33
1985	14,418	172	978	93	799	49	19	0	4	23	195	0.13
1986	21,898	639	1346	374	966	33	33	6	33	72	711	0.11
1987	15,321	85	700	73	467	95	22	2	5	29	114	0.34
1988	18,957	135	468	276	222	45	16	16	17	49	184	0.36
1989	12,499	168	480	133	254	42	22	15	6	43	211	0.26
1990	17,900	110	1108	303	755	71	60	18	92	170	280	1.55
1991	19,253	129	1183	122	772	86	77	5	1	83	212	0.64
1992	22,763	92	980	69	706	45	64	9	9	82	174	0.89
1993	17,858	193	752	315	496	56	56	1	11	68	261	0.35
1994	18,222	133	654	194	419	31	25	0	10	35	168	0.26
1995	14,149	32	323	41	297	5	7	1	3	11	43	0.34
1996	18,592	9	180	20	151	6	11	0	3	14	23	1.56

Table 3.1. cont.

Year	All Submissions		More Info Requests		Outcomes for Changes Receiving a MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	MIR- Induced Outcome	MIR- Induced Outcome and Objections	MIR Outcome/ All Objections
1996	18,592	9	180	20	151	6	11	0	3	14	23	1.56
1997	15,854	18	223	58	198	5	4	3	4	11	29	0.61
1998	14,826	17	107	42	74	10	11	0	3	14	31	0.82
1999	13,642	5	274	147	151	6	8	104	0	112	117	22.40
2000	16,558	6	267	42	183	4	5	0	61	66	72	11.00
2001	14,497	10	301	93	184	14	72	1	15	88	98	8.80
2002	18,564	23	185	39	100	19	49	3	2	54	77	2.35
2003	16,295	9	70	7	47	6	11	1	6	18	27	2.00
2004	17,035	5	67	5	53	0	8	0	5	13	18	2.60
2005	5,380	1	7	0	1	0	0	0	6	6	7	6.00
Total	387,673	2,282	13,697	3,120	9778	763	656	198	308	1162	3444	0.51

*only includes submissions through July 29, 2005

Table 3.2. Change Types, Objections, and MIR-Induced Outcomes by Change Type, 1982-2005

Change Type	All Submissions		MIRs Issued		Outcomes for Changes Receiving MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	Total MIR-Induced Outcome (W,S, NR)	MIR-Induced Outcome and Objections	MIR-Induced Outcomes/All Objections
Redistricting	8,694	388	1,234	227	676	246	131	40	27	198	586	0.51
Annexation	78,186	1,016	3,734	811	3,161	17	39	0	19	58	1,074	0.06
Polling Place	94,261	31	1,927	391	1,374	29	136	1	46	183	214	5.90
Precinct	53,438	37	1,318	191	916	43	73	3	33	109	146	2.95
Reregistration or Voter Purge	275	7	83	21	46	3	13	0	5	18	25	2.57
Incorporation	3,691	3	117	37	98	0	3	0	3	6	9	2.00
Bilingual Procedures	2,916	6	95	30	72	4	7	0	6	13	19	2.17
Method of Election	14,780	426	2,728	921	1,569	314	149	117	93	359	785	0.84
Form of Government	2,202	35	206	43	160	10	3	0	12	15	50	0.43
Consolidation or Division of Political Units	1,161	9	88	12	71	2	8	0	2	10	19	1.11

Table 3.2. cont.

Change Type	All Submissions		MIRs Issued		Outcomes for Changes Receiving MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	Total MIR-Induced Outcome (W,S, NR)	MIR-Induced Outcome and Objections	MIR-Induced Outcomes/All Objections
Special Election	25,401	49	326	65	208	25	10	15	13	38	87	0.78
Voting Methods	4473	1	43	7	33	1	3	0	3	6	7	6.00
Candidate Qualifications	3367	13	285	90	211	6	7	1	5	13	26	1.00
Voter Registration Procedures	41337	19	445	29	391	7	29	1	1	31	50	1.63
Miscellaneous	53492	242	1068	245	792	56	45	20	40	105	347	0.43
Totals	387674	2282	13697	3120	9778	763	656	198	308	1162	3444	0.51

Table 3.3. Number of Changes, Objections, and MIR-Induced Outcomes by State, 1982-2005

State	All Submissions		MIRs Issued		Outcomes for Changes Receiving a MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	Total MIR-Induced Outcome (W,S, NR)	MIR-Induced Outcome and Objections	MIR-Induced Outcome/All Objections
Alabama	24428	198	1159	301	743	58	64	24	93	181	379	0.91
Alaska	5537	2	315	115	311	0	3	0	1	4	6	2.00
Arizona	26773	32	534	149	454	12	9	4	15	28	60	0.88
Arkansas	7	0	1	1	0	0	0	0	0	0	0	-
California	3374	60	186	9	114	2	4	1	0	5	65	0.08
Colorado	132	0	0	0	0	0	0	0	0	0	0	-
Florida	3514	14	196	242	177	4	8	0	0	8	22	0.57
Georgia	53646	370	3274	539	2528	102	156	12	25	193	563	0.52
Hawaii	289	0	0	0	0	0	0	0	0	0	0	-
Illinois	13	0	0	0	0	0	0	0	0	0	0	-
Louisiana	23903	274	1512	400	1047	159	45	15	13	73	347	0.27
Massachusetts	18	0	0	0	0	0	0	0	0	0	0	-
Michigan	365	0	24	1	19	0	5	0	0	5	5	-

Table 3.3. cont.

State	All Submissions		MIRs Issued		Outcomes for Changes Receiving a MIR							
	Changes	Objections	MIRs	More Info Follow-ups	No Objection	Objection	Withdraw	Superseded	No Response	Total MIR-Induced Outcome (W,S, NR)	MIR-Induced Outcome and Objections	MIR-Induced Outcome/All Objections
Mississippi	11753	151	874	126	499	123	58	14	21	93	244	0.62
New Hampshire	227	0	0	0	0	0	0	0	0	0	0	-
New Mexico	201	1	59	57	55	0	0	1	3	4	5	4.00
New York	4,217	14	121	75	34	4	51	0	2	53	67	3.79
North Carolina	12,305	142	832	96	582	75	22	4	3	29	171	0.20
South Carolina	23,594	796	1,188	234	856	77	36	3	64	103	899	0.13
South Dakota	2,011	1	51	0	50	0	0	0	0	0	1	0.00
Texas	162,397	194	3,034	760	2,038	129	185	120	61	366	560	1.89
Virginia	28,768	31	337	15	271	18	10	0	7	17	48	0.55
Wyoming	201	0	0	0	0	0	0	0	0	0	0	-
Totals	387,673	2,280	13,697	3,120	9,778	763	656	198	308	1,162	3,442	0.51

changes, or just under one-third the number from Texas. Virginia, Arizona, Alabama, Louisiana, and South Carolina comprise a third major group with 28,768, 26,773, 24,428, 23,903, and 23,594 submitted changes, respectively. The number of submitted changes drops significantly to 12,305 from North Carolina (where only forty counties are covered by Section 5) and 11,753 from Mississippi.

A re-examination of the data in Tables 3.1-3.3 allows us to appreciate the number of changes DOJ objected to by year, change type, and state. The number of objected to changes has gone down substantially since 1995. For the years 1982–1994, a yearly average of 165 were issued as compared to the period 1995–2004 when the annual average was only 13.4. This is a dramatic reduction. It is evident from Table 3.2 that three types of changes account for the largest bulk of objections: annexation, method of election, and redistricting. Together these three types of changes account for 80.2% of all objections issued between 1982 and 2005. As revealed in Table 3.3, the top six states with the largest number of objected to changes in rank order are South Carolina with 796, Georgia with 370, Louisiana with 274, Alabama with 198, Texas with 194, and Mississippi with 151. Together these six states account for 87% of all objections since Section 5 was renewed in 1982.

Patterns in the Issuance of More Information Requests

Following the analysis above, we now examine the issuance of MIRs by year, change type, and state. It becomes immediately apparent in column three of Table 3.1 that the total number of MIRs issued over the time period, 13,697, far exceeds the number of objections. MIRs exceed objections by a factor of six. However, similar to the decrease in the number of objections after 1994, there is a decrease in the number of MIRs in this period. From 1982–1994 an average of 899.5 MIRs were issued per year, whereas the annual average for the period 1995 to 2004 was only 199.7.

The top five categories in which MIRs were issued are annexation, method of election, polling place, precinct, and redistricting. Similar to the issuance of objection letters, the categories of annexation, method of election, and redistricting account for a substantial portion, 56.2%, of all MIRs. However, as reflected in Table 3.2, a much wider range of types of changes received MIRs than was the case with objections. Examination of Table 3.3 reveals that the same five states—Georgia, Texas, Louisiana, South Carolina, and Alabama—are also the top states to receive MIRs. Together they received 74.2% of all MIRs issued between 1982 and 2005.

Assessing the Outcomes of MIRs

The above analysis suggests that MIRs can play a significant role in the overall process of preclearance leading to compliance with the Voting Rights Act. They are issued with considerable frequency. Their focus can be consistent with that of objections, but they also have been utilized to clarify the impact of a broader range of voting procedures and practices. In this section, we assess the impact of MIRs on the documented outcomes of changes to voting procedures and practices as determined by the DOJ. We pay special attention to comparing these documented outcomes to the issuance of formal objections by the DOJ.

Table 3.1 reveals MIRs did not always precede the issuance of an objection by the DOJ. A total of 2,282 objections were made to proposed changes during 1982 to July 2005, yet only 763 of these objections were preceded by the issuance of a MIR at some point in the process of review. By comparison, the sum of MIR-induced outcomes of withdrawals, superseded changes, and no responses, across the same time period, is 1,162. This indicates that MIRs directly affected over a thousand additional changes by making their implementation illegal. Thus, MIRs increased the DOJ's impact in Section 5 enforcement by 51% between 1982 and July 2005.

Table 3.2 reveals that there is considerable variation in the kinds of voting changes impacted by MIRs, compared to that of objections. As stated earlier, during the period examined, the largest number of objections to changes (1,016) blocked annexations. MIRs, by comparison, had their greatest deterrent effect in the area of method of election, where 359 changes were not approved. The second and third most objected to change types were method of election (426) and redistricting (388), respectively. These also resulted in similarly high MIR-induced outcomes, including the 359 changes regarding method of election and 198 redistricting changes. The third highest number of MIR-induced outcomes was for polling place changes. Precinct changes received the next highest number of MIR-induced outcomes at 109. Interestingly, annexations had the largest difference in the impact of MIR-induced outcomes relative to objections. Although annexations were the change type that led to the largest number of objections, they were only affected by MIR-induced outcomes in fifty-eight submitted changes.

Table 3.3 depicts state-by-state comparisons of the impact of MIRs relative to objections. The rank ordering of states where MIR-induced outcomes have affected the most changes is distinct from the list of those receiving the most objections. The largest impact of MIRs was in Texas (366), followed by Georgia (193), Alabama (181), South Carolina (103), Mississippi (93), and Louisiana (73). Texas had a disproportionately higher deterrent effect for MIRs compared to objections, with MIR-induced outcomes affecting submitted changes at a rate 1.89 times greater than objections.

Finally, a look back at Table 3.1 illustrates that the impact of MIRs, relative to objections, has grown dramatically since 1999. The number of submitted changes affected by MIRs was consistently greater than the number of changes affected by

objections from 1999 to July 2005. The ratio of MIR-induced outcomes to objections was 22.4 in 1999, 12.5 in 2000, and 8.8 in 2001. It drops noticeably lower in 2002, but MIRs still affect more than two times the number of changes affected by objections.

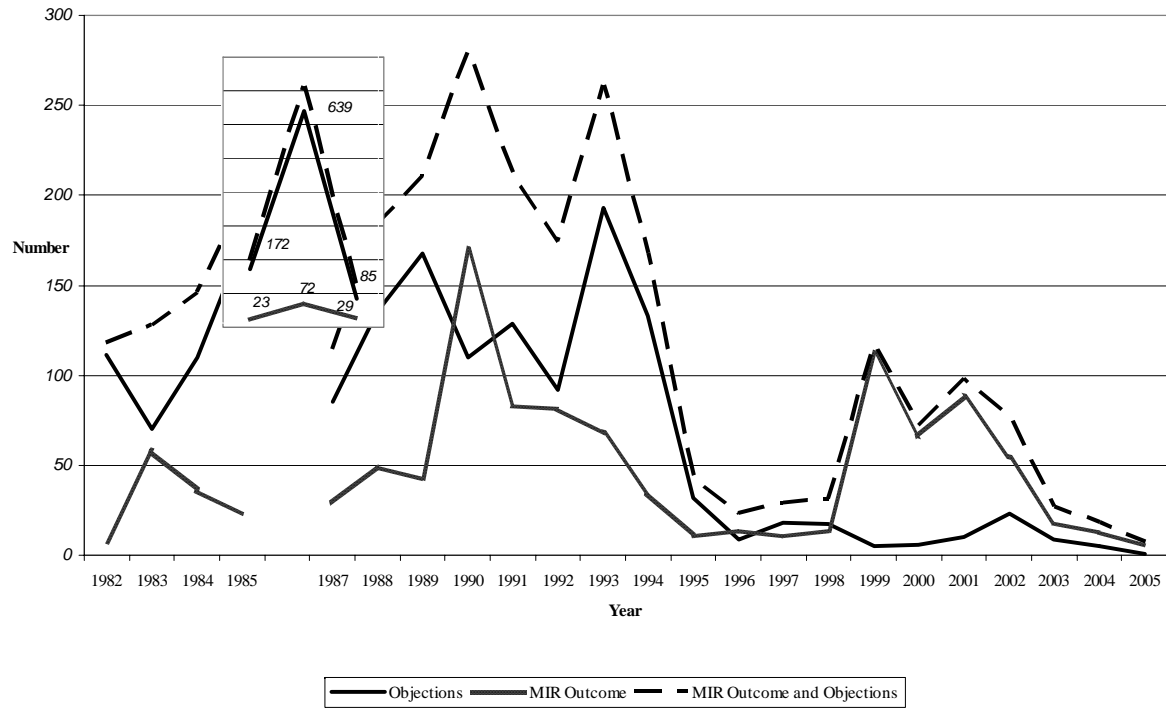
Figure 3.2 provides a graphic comparison of objections and MIR-induced outcomes by year for 1982 to 2005. The uniqueness of the period after 1999 until 2005 is clearly apparent, although MIR-induced outcomes did outnumber objections in both 1990 and 1996. This pattern suggests that MIRs are providing Section 5 with a strong deterrent effect that is lost by examining only objections.

MIRs, Compliance, and the Deterrent Effect of Section 5

We began our analysis of more information requests by developing a framework of compliance that outlined the primary actors, goals, strategies, and outcomes that structure the process of preclearance under Section 5. This was done to inform our understanding of the varied and oftentimes competing interests that determine the extent to which compliance with the Voting Rights Act occurs. We also developed the framework to position the role that more information requests (MIRs) have in the overall process of preclearance. Although rarely studied as a critical part of the impact of Section 5, we hypothesized that MIRs may be another major way that the DOJ affects the extent that covered jurisdictions comply with their obligations to pursue and implement electoral procedures and practices that do not deny or abridge the right to vote to African Americans and identified language minorities.

Our analysis of data provided by the DOJ for the period 1982 to 2005 allows us to reach two significant conclusions regarding the critical role of MIRs in the larger processes of preclearance and compliance under Section 5. First, MIRs are issued at far higher rates than letters of objection. As such, they have the potential to impact a wider range and larger number of changes submitted to the DOJ for review, compared to objections. The pattern in the number of MIRs issued over time follows a similar decline in the number of objections. Moreover, the frequency of MIR-induced outcomes varies by change type and especially by state. Second, our measure of the impact of MIR-induced outcomes that were likely to deter the pursuit of procedures and practices that could have a discriminatory effect demonstrates that MIRs increase the number of changes that did not have legal standing to be implemented under Section 5 by a full 51% from 1982 to 2005. This effect is significantly greater in the recent period of 1999 to 2005 where MIRs deterred 605% more changes than did formal objections. Interestingly, MIRs do not have their greatest impact on submitting jurisdictions by ultimately resulting in the issuance of objections to changes, as well under half of all objections were preceded by an MIR. Rather, MIRs have an impact entirely separate

Figure 3.2. Objections and MIR Induced Outcomes by Year



from whether an objection is issued. We also find that there is variation in this impact across change types and by state.

This research has direct implications for the further consideration of the impact and future need to maintain Section 5 of the Voting Rights Act. Assessments of the impact of Section 5 and the need for maintaining Section 5 must include the impact of More Information Requests on preventing discriminatory voting changes from being implemented. We have clearly demonstrated that MIRs can be studied, and their impact can be specified. Our analysis suggests that public officials, scholars, and other analysts run the risk of underestimating the impact of, and continuing need for, Section 5 if they do not fully consider the role of MIRs in the larger processes of preclearance and compliance.

Appendix A. Sample Letters Requesting More Information

Letter 1:

U.S. Department of Justice
Civil Rights Division
Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

JDR:TFM:NG:nj
DJ 166-012-3
2000-2137

July 24, 2000

Ms. Anne M. Byrom
City Clerk
P.O. Box 170220
Tarrant, Alabama 35217-0220

Dear Ms. Byrom:

This refers to two annexations (Ordinance Nos. 915 and 916 (2000)) to the City of Tarrant in Jefferson County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 23, 2000.

Our analysis indicates that the information sent is insufficient to enable us to determine that the proposed changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

We understand that the city has designated the areas annexed pursuant to Ordinance Nos. 915 and 96 (2000) to District 1. Please indicate whether this information is correct, and explain the basis for the choice of councilmember district.

1. A detailed chronological description of the process leading to adoption of the annexations and their designation to District 1. Include a description of all the events, meetings, hearings, debates, or discussion, whether formal or informal, involving any city official or city employee regarding the relative

merits and demerits of the annexations and their designation to District 1, and the anticipated impact on the ability of minorities to elect persons of their choice to the city council in District 1. Also. Please include an explanation for the rejection of alternative district designations or redistricting plans, to the extent such alternatives were raised with the council.

2. Copies of all documents, including any correspondence, notes, minutes, tapes, and transcripts of all discussion, meetings and hearings, whether formal or informal, newspaper articles, editorials, letters to the editor, and advertisements, as well as any other publicity relating to the proposed annexations, their designation to District 1 and any alternatives suggested.
3. Copies of any reports, studies, analyses, summaries, or other documents or publications used by the city in determining (a) whether the annexations would have any impact on the minority electorate; (b) whether an alternative designation of the annexed land to District 5 was possible; and (c) whether, rather than designating the annexed areas to a particular district, it was possible to redraw the boundaries of the councilmember districts so as to include the newly annexed areas and fairly recognize minority voting strength in the expanded city.
4. A detailed description of any input or request made by any member of the minority community regarding the proposed annexations and their designation to District 1. Provide the name and daytime telephone number of any minority person or organization commenting on the proposed annexations, the substance of the comments or suggestions, the action taken by the city in response, and the reasons for the city's action.
5. A map (preferably a 1990 Census map) showing the current city limits, the district lines for the city councilmember districts, and the newly annexed areas.
6. Election returns from each voting precinct located in the City of Tarrant for all state, county, school district, and municipal elections for offices from 1990 to the present in which a black candidate participated. For each such election, indicate the position sought (indicate the incumbent(s), if any, and whether incumbency was by election or appointment); the number of positions to be filled; the name and race of each candidate; the number of votes each candidate received, by precinct; and the number of registered voters, by race and precinct, at the time of each election. If such registration data are unavailable, provide an estimate of the black population percentages by precinct at the time of the election and explain the basis for the estimate.
7. Voter registration data by race for the City of Tarrant for each year since 1996, and current voter registration statistics by race for each councilmember district.

In addition, concerns have been raised that the designation of the areas annexed pursuant to Ordinance Nos. 915 and 916 to District 1 may worsen the opportunity of minority voters to elect a candidate of choice to the city council

from this district. Your response to these concerns will be of assistance in our review of your submission.

The Attorney General has sixty days to consider a completed submission pursuant to Section 5. This sixty-day review period will begin when we receive the information specified above. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.37). However, if no response is received within sixty days of this request, the Attorney General may object to the proposed change consistent with the burden of proof placed upon the submitting authority. See 28 C.F.R. 51.40 and 51.52(a) and (c). Changes which affect voting are legally un-enforceable unless Section 5 preclearance has been obtained (*i.e.*, the residents of annexed areas are not entitled to vote in city elections until the annexations have been precleared). *Clark v. Roemer*, 500 U.S. 646 91991); 28 C.F.R. 51.10. Therefore, please inform us of the action the City of Tarrant plans to take to comply with this request.

If you have any questions concerning this letter or if we can assist you in obtaining the requested information, you should call Ms. Natalie Govan (202-307-2242) of our staff. Refer to File No. 2000-2137 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

Joseph D. Rich
Acting Chief
Voting Section

Letter 2:

U.S. Department of Justice
Civil Rights Division
Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

JDR:JR:SL:nj
2001-1838
2001-2137
2001-2217

August 23, 2001

Joseph P. Rapisarda, Jr., Esq.
County Attorney
P.O. Box 27032
Richmond, Virginia 23273-7032

Dear Mr. Rapisarda:

This refers to the 2001 redistricting plan for the Henrico County School District; and the 2001 redistricting plan for the board of supervisors, the creation, elimination, and realignment of voting precincts, and the polling place changes for Henrico County, Virginia submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on July 2 and 26, 2001.

With the exception of the polling place change in the Cedar Fork Precinct, the Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28. C.F.R. 51.41).

With regard to the polling place change in the Cedar Fork Precinct, our analysis indicates that the information sent is insufficient to enable us to determine that the change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

1. A map of the precinct detailing the location of any schools, churches and other locations within, or no more than 1500 yards from the boundary of the precinct that could be utilized as a polling place. Provide the name and street address for each aforementioned site. Please indicate which of these or any additional locations, if any, were considered by the county but not selected and the reasons for their rejection.

2. Copies of any documents, including notes, or correspondence between the supervisors, employees, and members of the public, reports, studies, analyses, summaries, newspaper articles, editorials, and advertisements, or any other publicity concerning the proposed change. You may omit sending material already provided.
3. A complete description of all efforts made by the county to seek input from members of the affected black community regarding the proposed polling place change. Provide the names and daytime telephone numbers of black persons who commented, or whose input was sought, and describe the comments made and what response, if any, the county made to these comments.
4. A detailed description of any community or other group, that hold public meetings, gatherings or functions at the Confederate Hills Recreation Center (the "Center"), including whether members of the black community use this building and how frequently they do so.
5. A description of the public transportation available in the Cedar Fork Precinct (*e.g.*, buses, taxicabs, etc.) the schedule of operation, and any bus routes that could be used by the voters, potential voters, and other persons seeking to reach the Center who may not have personal transportation to this location.

Additionally, it has been alleged that the proposed polling place change, with its lack of accessibility and relocation from a predominantly black to a predominantly white neighborhood, may adversely affect the ability of black voters to participate in the election process. Any response you could provide to these concerns would assist us in reviewing your submission.

The Attorney General has sixty days to consider a completed submission pursuant to Section 5. This sixty-day review period will begin when we receive the information specified above. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.37). However, if no response is received within sixty days of this request, the Attorney General may object to the proposed change consistent with the burden of proof placed upon the submitting authority. See 28 C.F.R. 51.40 and 51.52(a) and (c). Changes which affect voting are legally unenforceable unless Section 5 preclearance has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. Therefore, please inform us of the action Henrico County plans to take to comply with this request.

If you have any questions concerning this letter or if we can assist you in obtaining the requested information, you should call Ms. Sonah Lee (202-616-2340) of our staff. Refer to File No. 2001-1838 in any response to this letter so that your correspondence will be channeled properly.\

Sincerely,
Joseph D. Rich
Acting Chief
Voting Section

Letter 3:

U.S. Department of Justice
Civil Rights Division
Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

JDR:JBG:KEM:par
DJ 166-012-3
2001-2312
2001-2612

October 2, 2001

Larry C. Smith, Esq.
County Attorney
Mr. P. Michael Cinnamon
Director of Elections
P.O. Box 192
Columbia, South Carolina 29202

Dear Messrs. Smith and Cinnamon:

This refers to the procedures for conducting the November 6, 2001, special tax election and two polling place changes (Lincolnshire and Ward 18) for Richland County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on August 9 and August 28, 2001.

The Attorney General does not interpose any objection to the special tax election and Lincolnshire polling place change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

With regard to the Ward 18 polling place change, our analysis indicates that the information sent is insufficient to enable us to determine that the proposed change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

1. Identify any state requirements that govern the selection of polling place for a voting precinct.
2. Copies of any minutes, summaries, tapes, or transcripts of meetings, hearings, and sessions, whether formal or informal, during which the proposed change was discussed. Copies of any publicity regarding the polling place

change, including newspaper articles, letters to the editor, editorials with respect to the location of the polling place, and copies or descriptions of any other media coverage.

3. A complete description of all efforts made by the county to obtain the views of minority residents of Ward 18 or Richland County regarding the proposed polling place change. Provide the names and daytime telephone numbers of minority persons who commented, or whose views were sought regarding the proposed changes, describe the comments, if any, made by minority persons and the county's response, if any, to these comments.

4. With regard to potential alternative locations, if any, for the Ward 18 polling place:

- (a) identify all locations that were considered, but not chosen.
- (b) For each site considered, please indicate its location on a map of Ward 18, and its surrounding area and provide the road mileage from the location to the Watkins Elementary School. A map indicating Census boundaries would be preferable, but is not necessary.
- (c) For each site considered, please provide an explanation as to why it was not selected.

5. Identify the municipal and county voting districts which include Ward 18, and:

- (a) Identify the candidates for office in these districts by name and race, for the 2001 election cycle.
- (b) For the last three election cycles (including all primary and general elections), provide the vote totals for each candidate in these districts, and the name and race of each such candidate.

6. A detailed description of any community or other groups that hold public meetings, gatherings, or functions at the Crescent Hill Baptist Church, including whether members of the black community use this building and, if so, the frequency of this usage.

Concerns have been raised that the proposed Ward 18 polling place is a church, whose congregation consists entirely of white persons, which is not frequented by persons in the minority community and whose use as a polling place may discourage minority voter turnout. Any information you may wish to provide on this issue would assist us in reviewing your submission.

The Attorney General has sixty days to consider a completed submission pursuant to Section 5. This sixty-day review period will begin when we receive the information specified above. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.37). However, if no response is received within sixty days of this request, the Attorney General may object to the proposed change consistent with the burden of proof placed upon the submitting authority. See 28 C.F.R. 51.40 and 51.52(a) and (c). Changes which affect voting are legally unenforceable unless Section 5 preclearance has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. Therefore, please inform us of the action Richland County plans to take to comply with this request.

If you have any questions concerning this letter or if we can assist you in obtaining the requested information, you should call Ms. Kelly Murnane (202-616-7176) of our staff. Refer to File No. 2001-2312 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,
Joseph D. Rich
Acting Chief
Voting Section

Appendix B. Coding Categories for Change Types

Redistricting	Limited redistricting Redistricting plan Districting plan
Annexation	Annexation Deannexation
Polling Place	Polling place
Precinct	Precinct
Reregistration or Voter Purge	Purge/reidentification of voters
Incorporation	Creation of special district Incorporation
Bilingual Procedures	Bilingual procedures
Method of Election	Forty percent plurality requirement Abolishment of elected office Anti-single shot requirement adopted Anti-single shot requirement eliminated Concurrent terms Establishment of elected office Implementation schedule Majority vote requirement Method of staggering terms Method of selection Method of election Nominating procedures Nonpartisan elections Number of officials Numbered positions adopted Numbered positions eliminated Open primary Partisan elections Plurality vote requirement

Method of Election (cont.)	Residency districts adopted Residency districts eliminated Staggered terms Term of office
Form of Government	Form of government Powers and duties Transfer of powers
Consolidation or Division of Political Units	Boundary changes Consolidation of jurisdictions Consolidation or division of jurisdictions Dissolution of jurisdiction Division of jurisdictions
Special Election	Special election procedures
Voting Methods	Voting method
Candidate Qualifications	Candidate qualifications to serve in office Candidate qualification procedures
Voter Registration Procedures	Voter registration Voting qualifications/eligibility
Miscellaneous	Absentee Voting Designation of annexed area to election district Bailout Ballot format Campaign financing provisions Compensation Creation of judicial district Election administration Full vote on elected body General election Initiative, referendum, recall procedures Joint election procedures Other

Political activity
Primary election
Redistricting procedures
Referendum requirement
Runoff election
Tiebreaking vote
Procedures for filling vacancies
Voter assistance procedures

Appendix C. Coding Categories for MIR Outcomes

Outcome Categories	All Coded Outcomes	Description of Coded Outcomes	
No Objection	No Objection	No objection	
Objection	Objection	Objection Objection continued	
Withdraw	Withdraw ND/wd	Notice of withdrawal No determination—change withdrawn	
	ND/rel ch	No determination—related change unprecleared	
ND/Superseded	ND/Superseded	No determination—change superseded	
	ND/not final	No determination—change not finally adopted	
	ND/not cov	No determination—not covered by Section 5	
	ND Admin Close	No determination Administratively closed	
No Response	More info request	Additional information requested	
	More info foll	Additional information request follow-up	
	Add info recd	Additional information received	
	Other	Declaratory judgment denied	Declaratory judgment action dismissed
		Declaratory judgment filed	Declaratory judgment granted
Improper submission—substantively deficient		Interim response	

No response cont.	Other cont.	N/A
		No determination—declar. Judgmt. Action filed
		No determination—court ordered change
		No determination—improper submitting auth.
		Notice of objection reconsideration by A.G.
		Objection withdrawn
		Reconsideration of objection requested