



City of Goldsboro

H.O. Bramer A
North Carolina
27533-9701

September 7, 2011

VIA ELECTRONIC MAIL

Chris Herren
Chief, Voting Session
U.S. Department of Justice
Civil Rights Division
Room 7253 – NWB
950 Pennsylvania Ave., NW
Voting Section, NWB
Washington, DC 20530

**Re: City of Goldsboro Deannexation Referendum Mandated by North Carolina
Session Law 2011-177 (DOJ File # 2011-3117)**

Dear Mr. Herren:

As members of the City Council for the City of Goldsboro, North Carolina (“City”) and as City residents, we write to express our serious concerns with the deannexation referendum mandated by North Carolina Session Law 2011-177 (“the Legislation”) that is currently under your preclearance review pursuant to Section 5 of the Voting Rights Act of 1965. Because of the discriminatory effect the deannexation referendum and its suffrage requirements will have on racial minorities in our City, we request that the United States Attorney General interpose an objection pursuant to its authority under 42 U.S.C. § 1973c(a).

As the City’s submission explains, the Legislation mandates that the Wayne County Board of Elections (“County BOE”) hold a referendum on the question of whether a portion of the City should be removed from the City’s boundaries. The annexation of this area, known as the Phase XI Area, was precleared by the Department of Justice and lawfully completed, effective September 30, 2008. The annexation was initiated by the City Council, elected by the City’s residents, and was then subject to a lengthy judicial process. Since that time, nearly three years ago, residents of the Phase XI Area have enjoyed services provided by the City and all of the benefits of municipal residency.

The deannexation referendum is an aberration from existing North Carolina election law in several respects. First, all of the City’s eligible voters will not be allowed to participate. Suffrage is restricted to the Phase XI Area. Second, the Legislation imposes a property-ownership requirement—that is, only owners of real property within the Phase XI are allowed to vote in the referendum. Third, corporate entities and individuals that would not otherwise be eligible to vote will be allowed to participate in the deannexation referendum. Such entities include non-residents and the Secretary of Housing and Urban Development.

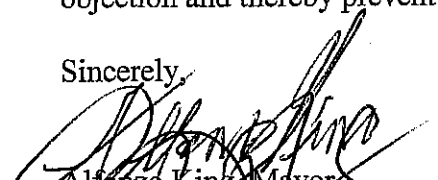
Finally, the voting procedures vary significantly from the existing laws. Polling places will not be opened for this referendum with scheduling dates and voting times. Instead, the referendum will be conducted by the County BOE sending ballots or "petitions" to the eligible landowners as determined by the County Board of Tax Assessors. Then, the County BOE will accept returned petitions that have been signed and notarized for 130 days from the date the ballots are sent. After receipt of the ballots, the County BOE will count the returns and certify the results. If more than 60 percent of owners of real property within the Phase XI vote in favor of deannexation, the Phase XI Area will immediately be removed from the City. The City will no longer provide municipal services to Phase XI Area residents.

The effect of these changes will be to deny and abridge the right to vote to individuals on account of race and color. The City is majority-minority—54.3 percent of City residents are African-American and 60.8 percent are racial and ethnic minorities. The Phase XI Area, however, is overwhelmingly white—only 12.7 percent of Phase XI Area residents are African-American and 16.0 are racial and ethnic minorities. Thus, restricting eligibility to vote in this deannexation referendum to the Phase XI Area and not including the entire City has a discriminatory effect on minority voters. All City residents have a stake in this deannexation referendum. If the Phase XI Area is removed from the City, the City and its remaining residents will be left to absorb the millions of dollars the City spent to extend services to the Phase XI Area.

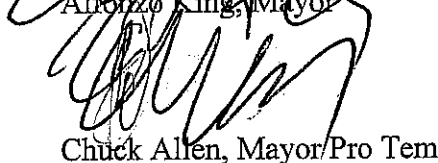
The Legislation's property-ownership requirement to vote in the deannexation referendum also has a discriminatory effect. Property qualifications were abandoned by all states by the mid-1800s. In fact, North Carolina has a state constitutional prohibition on restricting voting to property-owners. The reasons for separating property ownership from voting are obvious. Limiting those who can vote to those who own property would discriminate against those who do not own property, including renters, adult children living in their family's homes, and elderly parents living with their adult children. In North Carolina, landowners are disproportionately white. Thus, the property-ownership requirement discriminates against African-Americans and other racial and ethnic minorities.

On behalf of our many constituents who will be discriminated against by these restrictions, we oppose the Legislation and the way in which it mandates that the County BOE carry out this deannexation referendum. We therefore strongly urge you to interpose an objection and thereby prevent this discrimination.

Sincerely,



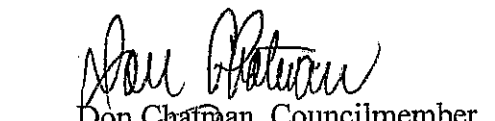
Alfonzo King, Mayor



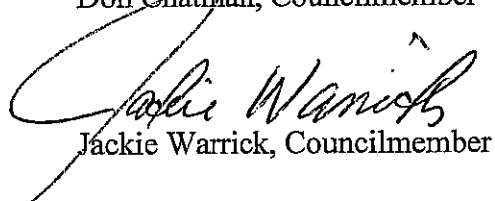
Chuck Allen, Mayor Pro Tem



Bob Waller, Councilmember



Don Chatman, Councilmember



Jackie Warrick, Councilmember