State admits omission in elections changes

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The state has admitted it failed to submit four changes in East Baton Rouge Parish judicial elections to the U.S. Justice Department for approval between 1965 and 1972, but argues the failure was minor and should not affect the Sept. 27 special election for state district judge.

Four black attorneys filed suit in federal court to stop the election, claiming the state failed to get the approval required by the Voting Rights Act.

In a memo filed with the case, the state attorney general's office admits that four changes that increased the number of judges in East Baton Rouge Parish from five to 11 were not submitted.

The changes — made by the state Legislature in 1965, 1966, 1970 and 1972 — were submitted to the Justice Department for approval on July 22, after the suit was filed, the memo states.

The state claims, however, that the earlier failure to submit the changes is moot because the state submitted its new constitution to the Justice Department in 1973, which included judicial election changes, and received approval in 1974.

The memo states that the earlier failures were not deliberate.

"In relation to the failure to submit, considering the bulk of state action which is required to be submitted under section 5, even the most diligent civil servant in the utmost good faith is apt to miss some," the memo states.

The state also claims that the black attorneys' contention that the scope of the changes submitted to the federal government were insufficient can probably not be fully proved.

Since the constitution was approved, the Justice Department has granted approval to three changes in judicial elections in Baton Rouge — a 1975 change to conform with the new open primaries and changes in 1976 and 1978 that increased the number of judges from 11 to 13.

The memo claims that the recent approvals should be de facto approval for the earlier changes that were never submitted.

The suit claims that the system of parishwide voting dilutes black voting strength.

A hearing on whether to halt the election is scheduled for Tuesday.