

MAR 13 1970

Honorable MacDonald Gallion
Attorney General
State of Alabama
Montgomery, Alabama 36104

Dear Mr. Attorney General:

This is in reference to Act Number 604 of the Legislature of the State of Alabama authorizing and providing for registration by mail of qualified electors who are members of the Armed Forces of the United States or who are employed outside the United States which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

Act Number 604, inter alia, requires the applicant for absentee registration to complete a written questionnaire without assistance. It is our view that this provision in effect imposes a literacy requirement for registration and that such a requirement, if enforced, would violate the provisions of Section 4 of the Voting Rights Act of 1965. Therefore, I must on behalf of the Attorney General interpose an objection to Act Number 604.

Should you wish to see any justification for the Act objected to or evidence that its enforcement would not violate Section 4 of the Voting Rights Act of 1965, we will consider the matter further. Of course, as provided for by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the Act objected to does not have the purpose and will not have the effect of denying or abridging the right to vote on the basis of race or color.

Sincerely,

J. R. B. BROWN
Attorney General
Alabama Division