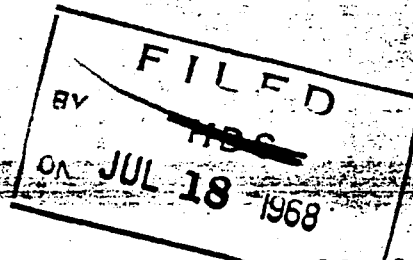


July 11, 1968

AIR MAIL

Honorable Arthur K. Bolton
Attorney General
State of Georgia
132 Judicial Building
Forty Capitol Square
Atlanta, Georgia 30334



Dear Mr. Attorney General:

This will reply to your letter of May 13, 1968, in which you submitted to the Attorney General, pursuant to Section 5 of the Voting Rights Act of 1965, the Georgia Municipal Election Code and Act No. 993, adopted by the Georgia General Assembly during the 1968 session. We have reviewed the submitted Code and Act and, on behalf of the Attorney General of the United States, make the following objections, pursuant to Section 5 of the Voting Rights Act of 1965.

1. Section 34A-1211 of the Georgia Municipal Election Code, provides for assistance to voters in a manner identical to that provided by Section 13 of Act No. 997 which you previously submitted to this Department. I sent you my response to this submission on June 19, 1968. The objection to the present submission of Section 34A-1211 is the same as I made in that letter. I indicated that the Court in Morris v. Fortson, 261 F. Supp. 538 (N.D. Ga. 1966), held that the new statute limiting to one the number of illiterate electors who could be assisted by another elector is unreasonable. The Court found the old statute which permitted an elector to assist ten individual voters was reasonable. We see no valid basis for restricting the number below ten, particularly in light of the fact that one of the effects of the Voting Rights Act is to increase the number of illiterate voters in your state. We received today your letter of June 28, 1968 and will give it careful consideration.

2. The Attorney General must also object under Section 5 of the Voting Rights Act of 1965 to Section 34A-501(b), Section 34A-505, and Section 34A-512 of the Georgia Municipal Elections Code. This objection applies only to those municipalities which did not have in force or effect on November 1, 1964, standards, practices or procedures identical to those set out in the new Georgia Municipal Code.

I would appreciate it if you would furnish me the names of the municipalities which did not have such standards, practices and procedures in effect on November 1, 1964.

I should also advise you that these sections were suspended by Section 4 of the Voting Rights Act of 1965. I am aware that in your submission section 34A-512 has stamped in the margin a notation that it was suspended by that Act.

3. Section 34A-403 and Section 34A-503 of the Georgia Municipal Election Code require persons who hold the election and registration offices enumerated be "judicious, intelligent and upright electors." These qualifications are vague and subjective, and are subject to the same kind of discriminatory application that formed the basis for invalidating tests and devices under the Voting Rights Act of 1965. Also, your submission does not include information as to whether these standards enumerated in the Code were the same as those

in force or effect by the various municipalities in the state on November 1, 1964. In light of these two factors, we have an obligation to interpose an objection to these sections in those municipalities in which these standards were not in force or effect on November 1, 1964. However, we would be pleased to review this determination in the event we receive from you information relating to the standards in force in each municipality on November 1, 1964 and an analysis by race of the poll officers, registrar and deputy registrar, in each municipality since August 6, 1965.

With reference to those sections of the Georgia Municipal Election Code to which objections have not been interposed, I am sure that you are aware that my failure to object does not bar any subsequent action to enjoin the enforcement of any of these sections.

Please do not hesitate to contact my office if you have any questions in regard to the above matters. Should you wish to bring additional facts to the attention of the Attorney General, he would be pleased to entertain them and reappraise his position.

Sincerely,

STEPHEN J. POLLAK
Assistant Attorney General
Civil Rights Division