

OCT 7 1975

Mr. Harry Nixon
City Attorney
City of Ocilla
Post Office Box 145
Ocilla, Georgia 31774

Dear Mr. Nixon:

This is in reference to the July 1, 1975, resolution of the City Council which increased the local qualification fees from \$15.00 to \$125.00 for mayoral candidates and from \$10.00 to \$100.00 for aldermanic candidates, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on August 8, 1975.

An examination of our records indicates that in 1973 you submitted a similar filing fee increase to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. By a letter dated June 22, 1973, (copy enclosed) this Department advised you that an objection was being interposed to the proposed increase. As we indicated in that letter, increased filing fees, particularly where there are no alternative means of qualifying for office, necessarily fall with far greater weight on Negro candidates in Ocilla. We reached that conclusion because of the substantially different economic levels of the races in the community. We find nothing in this submission which would lead to a different conclusion with respect to the filing fees presently under review. Nor do we find the city's interest in defraying election expenses and

eliminating frivolous candidates to be so compelling as to justify the adverse racial effect of the fee increase. See Bullock v. Carter, 405 U.S. 134 (1972). For these reasons, on behalf of the Attorney General, I must interpose an objection to the change in filing fees occasioned by the July 1, 1975, resolution.

Of course, as provided by Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this filing fee increase has neither the purpose nor the effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that court, the legal effect of the objection by the Attorney General is to render the proposed increase legally unenforceable.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division