

JUN 26 1970

Honorable Andrew P. Miller
Attorney General
Commonwealth of Virginia
Richmond, Virginia 23219

Dear Mr. Attorney General:

This is in reference to the 48 Acts of the General Assembly passed during the 1970 session which were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

The Attorney General will not at this time interpose any objection to the following enactments submitted by your letter of May 1, 1970.

<u>Chapter</u>	<u>Bill No.</u>
51	[H. 17]
58	[H. 196]
64	[H. 53]
66	[H. 526]
97	[H. 227]
107	[H. 161]
108	[H. 193]
109	[H. 198]
126	[H. 1]
133	[H. 117]
135	[H. 154]
139	[H. 371]

<u>Chapter</u>	<u>Bill No.</u>
172	[S. 274]
170	[H. 67]
181	[H. 191]
183	[H. 262]
206	[S. 70]
207	[S. 81]
209	[S. 89]
210	[S. 91]
221	[S. 80]
247	[H. 1004]
306	[S. 449]
314	[H. 31]
320	[H. 199]
359	[H. 787]
445	[S. 339]
472	[H. 50]
474	[H. 59]
482	[H. 150]
483	[H. 155]
484	[H. 158]
488	[H. 195]
492	[H. 232]
533	[H. 784]
647	[H. 202]
703	[H. 726]
751	[H. 374]

However, I am sure you are aware that the failure to object does not bar any action to enjoin enforcement of those laws in the future.

With respect to Code Sections 24.1-48; 24.1-55; 24.1-228(1) and (3) of Chapter 462 [H. 125], which require that an applicant personally sign his name to

a particular document, we have been advised by Mr. Anthony Troy of your staff that an "X" or "mark" subscribed by an illiterate will fulfill the signature requirements. Mr. Troy also has advised us that a formalized interpretation to that effect will be printed.

If our understanding of this is correct, then the Attorney General will not interpose an objection to these statutes at this time. I would appreciate your sending me a copy of the printed interpretation when that is done, along with information as to the distribution made of it.

With respect to Chapter 763 [S. 36] and Chapter 766 [H.J.R. 13], the amendments to the Virginia Constitution, it would appear that they are not fully enacted since the referendum has not been conducted. That being the case the Attorney General technically has no authority to either approve or disapprove the suggested changes. However, since the issue which will be raised under those provisions will be the same as that raised by the statutes discussed next above, our response would be the same.

Finally, with respect to Chapter 471 [H. 49], §3.03(b), the Attorney General must interpose an objection. This statute would require a 40% plurality for election to the office of councilman in the City of Portsmouth where no such requirement previously existed and would further require a runoff of those candidates who do not receive the required percentage. We believe that this raise in the standards for qualification, when viewed against the background of the racial proportions in the population would have the effect of discriminating against Negro voters.

However, should you wish to present any other information in justification for this Act or evidence that its enforcement would not have a racial purpose or effect, the Attorney General will reconsider his decision to object.

Of course, as provided by Section 5 of the Voting Rights Act of 1965, you have the alternative of instituting an action in the U. S. District Court for the District of Columbia for a declaratory judgment that the provision objected to does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Sincerely,

JERRIS LEONARD
Assistant Attorney General
Civil Rights Division