

[FACSIMILE]

DLN:JIS:clk
DJ 166-012-3

Mr. Leslie Hall
Assistant Attorney General
State of Alabama
Montgomery, Alabama 36104

APR 4 1972

Dear Mr. Hall:

This is in reference to your submission under the Voting Rights Act of Acts Nos. 2229 and 2230 dealing with assistance to voters. The submission was completed upon our receipt on February 5, 1972, of the additional information that was requested by my staff.

It is my understanding from your letter dated February 1, 1972, and your telephone conversation of January 31, 1972, with Mr. Jeremy Schwartz, an attorney on my staff, that notwithstanding the provisions of Title 37, §§34(50) and 34(103) of the Alabama Code it is the opinion of your office that voters in municipal elections who are unable adequately to read or write may receive the assistance of the person of their choice and that persons giving such assistance are not limited as to the number of such voters they may assist.

The submitted Acts, while providing for the assistance to such voters by persons who are not election officials, would restrict such assistants to persons who have not so acted for any other person during the election. Such restriction could have the effect of severely limiting the availability of persons who might be willing and able to provide assistance to voters as entitled. Furthermore, no corresponding limitation is imposed by Title 37 in municipal elections where paper ballots are used. See Title 37, §§34(39) and 34(92).

On the basis of our investigation, we are unable to conclude that the implementation of Acts 2229 and 2230 will not have the effect of impeding the ability of persons entitled to vote under the Voting Rights Act to cast effective ballots. I must, therefore, on behalf of the Attorney General of the United States, interpose an objection to the implementation of the submitted Acts.

Should you wish to pursue this matter further, the Attorney General will reconsider his objection upon your request within 10 days for an opportunity to present substantiating or explanatory information not previously available. This information may be submitted in writing or at a conference convened pursuant to Sections 51.21 and 51.23 of the Section 5 guidelines, published September 10, 1971, in the Federal Register, Vol. 36, No. 176.

In addition, despite this objection, the Voting Rights Act provides you the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that these enactments do 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,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division