July 23, 1971

Honorable William J. Baxley
Attorney General
State of Alabama
Montgomery, Alabama 36104

Dear Mr. Attorney General:

This is in reference to your letter of May 20, 1971, with which you submitted Act No. 91 Special Session of the Alabama Legislature 1971 for consideration by the Attorney General pursuant to Section 5 of the Voting Rights Act.

The Attorney General will not at this time interpose any objection to the Act except with respect to the provision against single shot voting for alderman.

I note that Representative Smith in his letter to you dated May 19, 1971, stated that the Act was to change certain election procedures in the City of Talladega to make them uniform with election procedures in other mayor-council cities and that everything else in the Act including the prohibition of single shot voting is present Alabama law and included in the Act merely for clarification purposes. However, as we read the Code of Alabama (Municipal Corporations), Title 37, single shot voting was prohibited by Section 33(1), enacted September 4, 1951. Section 33(1) of Title 37 was repealed by Acts, 1961, enacted September 15, 1961. Therefore, it would appear that there is no general prohibition against single shot voting in Alabama and that the imposition of that

prohibition by Act No. 91 is a substantive change rather than a mere clarification of Alabama law.

If our analysis is correct, I must on behalf of the Attorney General interpose an objection to the provision of the Act prohibiting "single shot" voting for alderman. We are unable to conclude that this proposed change will not have an adverse racial effect prohibited by the Voting Rights Act.

Should you wish to present justification for the provision objected to or evidence that its enforcement 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, we will consider the matter further. Of course as provided 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 provisions objected to 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
Acting Assistant Attorney General
Civil Rights Division