

AUG 14 1972

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

Dear Mr. Attorney General:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of Act No. 2324, Acts of Alabama, Regular Session 1971, which we received March 27, 1972. Additional information pertinent to Act No. 2324 was received June 14, 1972.

We have considered the submitted changes and supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. On the basis of this information the Attorney General will not object to the requirement that independent candidates for statewide offices submit qualifying petitions signed by 10,000 voters, to the provisions relating to political parties in the State of Alabama, or to the elimination of independent candidates for municipal elections.

However, with respect to the provisions which increase the number of signatures required on petitions of independent candidates for county offices from 25 to 1,000 signatures and from 300 signatures to 10,000 for those offices for which persons are elected from political subdivisions larger than a county but less than statewide, i.e. judicial circuits, state and federal legislatures and regional offices, we are unable to conclude as we must under Voting Rights Act, that these increases will not have the purpose or effect of abridging the voting rights of racial minorities by substantially increasing the signature requirements.

While we recognize the state's legitimate interest in eliminating frivolous candidacies, to require such a large number of signatures especially in many small rural counties, may well discourage, or prohibit minority candidates from seeking nomination.

While we realize the difficulties caused by conclusions here, we are persuaded that the Voting Rights Act requires this result. Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that the changes herein found objectionable neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division