

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

RICHARD GOODEN, ANDREW JONES, and  
EKEYESTO DOSS,

Plaintiffs,

v.

NANCY WORLEY, in her official capacity as  
Alabama Secretary of State; NELL  
HUNTER, in her official capacity as  
Jefferson County Voter Registrar; and  
ANITA GIBSON, WALTER LONG, and MOLLY  
MEADOWS in their official capacities as  
Houston County Voter Registrars,

Defendants.

Case No. 2:05-cv-2562

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**Exhibit 1**



U.S. Department of Justice

Civil Rights Division

DLP:RAK:NG:tlb  
DJ 166-012-3  
96-2097

*Voting Section*  
*P.O. Box 66128*  
*Washington, D.C. 20035-6128*

June 24, 1996

Lynda K. Oswald, Esq.  
Assistant Attorney General  
Alabama State House  
11 South Union Street  
Montgomery, Alabama 36130

Dear Ms. Oswald:

This refers to Act No. 95-443 (1995), which provides for the repeal of Article VII of the Constitution of Alabama of 1901, establishes qualifications for voting and provides for the establishment of registration requirements and registration procedures by statute, and to the procedures for conducting the June 4, 1996, constitutional amendment election for the State of Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on April 23, 1996; supplemental information was received on June 10 and 20, 1996.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

The constitutional amendment effected by the referendum approval of Act No. 95-443 includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review (e.g., changes to existing voting qualifications, registration requirements or registration procedures). See 28 C.F.R. 51.15.

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

By: 

~~for~~ Elizabeth Johnson  
Acting Chief, Voting Section

# OFFICE OF THE ATTORNEY GENERAL



JEFF SESSIONS  
ATTORNEY GENERAL  
STATE OF ALABAMA

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (334) 242-7300

April 16, 1996

Civil Rights Division  
Voting Section  
Department of Justice  
P. O. Box 66128  
Washington, DC 20035-6128

RE: Submission under  
Section 5 of the  
Voting Rights Act of  
1965

Dear Sirs:

As required by Section 5 of the Voting Rights Act of 1965, I am enclosing for the approval of the Justice Department Act No. 95-443 of the 1995 Regular Session of the Legislature of Alabama. Act No. 95-443 provides for a proposed constitutional amendment to repeal and replace Article VIII of the Constitution of Alabama 1901 regarding voting and suffrage. It was enacted into law on July 28, 1995.

In compliance with Section 51:27 of the Procedures For Submission under Section 5 of the Voting Rights Act, the following information is submitted:

- a. A copy of Act No. 95-443 is enclosed (Exhibit A).
- b. Act No. 95-443 proposes a constitutional amendment to repeal and replace the present Article VIII of the State Constitution. (Exhibit B) The present Article VIII is antiquated and has been overruled and rendered ineffective by the passage of federal laws and by court decisions. The proposed amendment sets out procedures already in place by federal law. It authorizes the State Legislature to provide procedures for voting and voter registration. The proposed amendment will be voted on and adopted as other proposed statewide amendments.

Civil Rights Division  
Voting Section  
Page 2

- c. Person making the submission - Lynda Knight Oswald, Assistant Attorney General, State of Alabama, Alabama State House, 11 South Union Street, Montgomery, AL 36130, telephone 334/242-7300; also contact Honorable Jack B. Venable, Member, House of Representatives, District 31, P. O. Box 736, Tallassee, Ala. 36078, telephone 334/283-6568 or 334/242-7770.
- d. Submitting Authority - Attorney General, State of Alabama. Jurisdiction responsible for change - state.
- e. Submitting authority is located in Montgomery, Alabama.
- f. Body responsible for change - State Legislature. Mode of change - proposed constitutional amendment.
- g. State legislature provides for the proposed constitutional amendments and election and voting procedures.
- h. Date adopted - July 28, 1995.
- i. Effective upon approval by the voters and approval by the Justice Department.
- j. Change has not been enforced.
- k. Change affects the entire State of Alabama.
- l. Change was made because the present Article VIII of the Constitution is ineffective and out-of-date.
- m. Effect on minority groups - None.
- n. Past or pending litigation - None.
- o. Not applicable.

Civil Rights Division  
Voting Section  
Page 3

- p. Minority contacts: None provided.  
Representative Venable stated that he did not recall any negative votes when the amendment was proposed in the Legislature.

For further information, contact Representative Venable.

Sincerely,

JEFF SESSIONS  
Attorney General  
By:

LYNDA K. OSWALD  
Assistant Attorney General

JS/LKO/jho

cc: Honorable Jack B. Venable

Enclosures  
J/OW