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.

Exhibit 1
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: Robert A. Knob

for Elizabeth Johnson
Acting Chief, Voting Section
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
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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.


e. Submitting authority is located in Montgomery, Alabama.


g. State legislature provides for the proposed constitutional amendments and election and voting procedures.


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.
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/ON