



U.S. Department of Justice
Civil Rights Division

JKT:MSR:NT:jdh
DJ 166-012-3
2007-3091

Voting Section - NFB
950 Pennsylvania Avenue, NW
Washington, DC 20530

July 23, 2007

Larry T. Monette, Esq.
407 South McDonough
Montgomery, Alabama 36104

Dear Mr. Monette:

This refers to Ordinance No. 42-2007, which provides for changes in the dates for qualifying and voting in municipal elections for mayor and council members for the City of Montgomery in Montgomery County, 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 June 13, 2007, and on June 14, 2007, we expedited consideration and precleared the submitted changes.

Title 28 C.F.R. 51.43 provides that the Attorney General has the right to reexamine a submission if additional information is received within the sixty-day period which indicates the possibility of a prohibited discriminatory purpose or effect. The sixty-day review period of this submission ends on August 13, 2007. On July 13, 2007, we received a letter alleging that the proposed changes are discriminatory under Section 5. Accordingly, the Attorney General is reexamining the submitted changes. Furthermore, in view of the additional information we have received, we find the information contained in the submission is insufficient to enable us to determine that the proposed changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

1. A statement of the legal authority of the Council to change the municipal election date, which is set by state statute. See *Siegelman v. Folmar*, 432 So. 2d 1246, 1248 (Ala. 1983).
2. An explanation of all alternative dates considered formally or informally and the reason for their rejection and the selection of the proposed dates.
3. Copies of all records of all meetings and hearings during which the submitted changes were discussed or voted on, and copies of all press accounts and public comments concerning the selection of municipal election dates.

Exhibit G

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4. In addition, please respond to the allegations that moving the 2007 election date from October to August, was intended to and will interfere with voter registration by African American students at Alabama State University who are eligible to register for and vote in elections of the City of Montgomery

The Attorney General has sixty days to consider a completed submission pursuant to Section 5. This sixty-day review period will begin when we receive the information specified above. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.37). Also, we remind you that if no response is received within sixty days of this request, the Attorney General may object to the proposed change consistent with the burden of proof placed upon the submitting authority. See 28 C.F.R. 51.40 and 51.52(a) and (c). Changes which affect voting are legally unenforceable unless Section 5 preclearance has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. Therefore, please inform us of the action the City of Montgomery plans to take to comply with this request.

If you have any questions concerning this letter or if we can assist you in obtaining the requested information, you should call Ms. Nicole Thorpe (202-514-6334) of our staff. Refer to File No. 2007-3091 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,


John Tanner
Chief, Voting Section

TOTAL P. 03
Exhibit G