DEC 15 1975

Mr. Kenneth C. DeJean
Assistant Attorney General
State of Louisiana
P. O. Box 44005
Baton Rouge, Louisiana 70804

Dear Mr. DeJean:

This is in reference to 37 Acts of the 1975 Louisiana State Legislature, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on October 14, 1975.

The Attorney General interposes no objection to Acts 18 and 25 of the 1975 Extraordinary Session or to Acts 45, 54, 122, 146, 154, 157, 163, 164, 296, 302, 315, 316, 323, 328, 338, 353, 369, 387, 469, 480, 495, 518, 538, 553, 558, 584, 625, 629, 638, 652, 662, 790 and 795 of the 1975 regular session. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that our failure to object does not bar any subsequent judicial action to enjoin the enforcement of the changes should such action become necessary.

With respect to Acts 111 and 376 of the 1975 regular session, it is our understanding that on November 1, 1975, the voters of the City of Natchitoches approved the adoption of a home rule charter and that these two acts are therefore no longer applicable. Accordingly, the Attorney General will make no determination on Acts 111 and 376.

With respect to our analysis of Act 432 of the 1975 regular session, we note that Act 199 (1975), to which the Attorney General did not object, provided that single-shot voting would be allowed in all elections in the State of Louisiana. Act 432 reenacts a provision in the Louisiana Revised Statutes which requires that in school board elections a voter must vote for a full slate. As we read the two acts and, according to your interpretation furnished in a December 12, 1975, phone conversation with Anita Hanks of my staff, Act 432 is the latest expression of legislative intent and would have the effect of amending Act 199 to prohibit single-shot voting in school board elections.

Our analysis shows that under recent federal court decisions use of a full slate law well might be dilutive of minority voting rights. See Dunston v. Scott, 336 F. Supp. 206 (E.D. N.C. 1972); Stevenson v. West, C.A. No. 72-45 (D.S.C. 1972). Also, during the course of our review and analysis of the Acts 1 and 199 (the open election law) recently it was brought to our attention somewhat forcefully that blacks perceive the full slate requirement as particularly detrimental to their voting rights and that the single-shot provision of that legislation was designed specifically to meet that opposition.

Under such circumstances we cannot conclude that the state has sustained its burden of showing that the change to full slate voting embodied in Act 432 will not have the effect of denying or abridging the right to vote on account of race or color. See Stephenson v. West, supra. I must, therefore, on behalf of the Attorney General, interpose an objection to Section 6 of Act 432 of the 1975 regular session of the Louisiana State Legislature.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such judgment is rendered by the Court, the legal effect is to make unenforceable the change to a full slate requirement.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division