

APR 20 1973

Honorable William J. Gusts, Jr.
Attorney General
State of Louisiana
Department of Justice
Baton Rouge, Louisiana 70804

Dear Mr. Attorney General:

This is in reference to Act 106 submitted by you to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. We received your submission on February 19, 1973. Act 106 provides for the use of divisions or numbered posts for all multi-member bodies in districts, parishes, municipalities, and wards in the state.

Our analysis of this matter reveals that Act 106 would impose a numbered-post requirement on present Louisiana election procedures for multi-member offices. In our view the electoral system as modified by Act 106 significantly reduces the potential for minority candidates to win representation in multi-member offices in jurisdictions such as Louisiana where there has been a pattern of racial bloc voting. The Attorney General has interposed objections under Section 5 of the Voting Rights Act to similar numbered-post systems in a number of other jurisdictions. We are accordingly unable to conclude, as we must under the Voting Rights Act, that implementation of 106 will not have a discriminatory racial effect and therefore I must, on behalf of the Attorney General, interpose an objection under Section 5. As the law provides, Act 106 may be brought

before the District Court for the District of Columbia notwithstanding this objection and may be implemented should that Court grant a declaratory judgment that the Act will have neither the purpose nor effect of discrimination on the basis of race.

While we accept and appreciate the fact that the legislative purpose in passing this statute was to simplify and expedite the election process, Section 5 requires us to examine the effect as well as the purpose of such changes. Should the legislature choose to make other revisions of this type we would be pleased to give the matter prompt consideration.

Inasmuch as the United States District Court for the Western District of Louisiana has deferred proceedings in Lada v. City Council of Lake Charles (CA No. 18,275) involving Act 106 until the Attorney General completed his review, and Raine v. Town of Sorrento Municipal Democratic Committee (CA No. 73-120), challenging an election held pursuant to Act 106, has been recently filed in the United States District Court for the Middle District of Louisiana, I am taking the liberty of furnishing a copy of this letter to both Courts. However, nothing contained herein should be construed in any way as addressing the constitutional issues pending before those Courts.

In view of your opinion of February 19, 1973, suspending the application of Act 106 to 63 municipal primaries held March 24, 1973, and the statement of Mr. Kenneth C. DeJean of your office in his telephone conversation with departmental attorney Joshua R. Trean

on March 12, 1973, that the suspension would be effective through all runoffs necessitated by the results of the March 24 primaries, we would appreciate being notified whether you will extend the prohibition on the use of Act 106 to any other election, including the municipal general elections to be held this year.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division