



Civil Rights Division

JDR:JR:ALF:nj
DJ 166-012-3
2003-2174

Voting Section - NWR.
950 Pennsylvania Avenue, N.W., Room 7254
Washington, DC 20530

SEP 2 2003

Randy Riddle, Esq.
Chief Counsel
John P. Mott-Smith, Esq.
Chief, Elections Division
Secretary of State's Office
1500 11th Street, 5th Floor
Sacramento, California 95814

Dear Messrs. Riddle and Mott-Smith:


This refers to the change in the special election date from March 2, 2004, to October 7, 2003, for Propositions 53 and 54 and the procedures for conducting the October 7, 2003, special election for the State of California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 4; supplemental information was received through August 25, 2003.

During our analysis of this submission, you indicated that the state will mail the English and Spanish versions of the ballot information pamphlets at least 21 days before the election to those voters in the four counties subject to the requirements of Section 5 who have registered 60 days or more before the election. With that understanding, the Attorney General does not interpose any objection to the change in the special election date from March 2, 2004, to October 7, 2003, for Propositions 53 and 54 and the procedures for conducting the October 7, 2003, special election. 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 these changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that

would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Because the Section 5 status of the instant changes are before the court in Salazar v. Monterey County, C-03-03584JF (N.D. Cal.), we are providing a copy of this letter to the court and counsel of record in that case. We are also providing a copy of this letter to counsel of record in Oliveres v. California, C-03-3658SI (N.D. Cal.).

Sincerely,


Joseph D. Rich
Chief, Voting Section

cc: The Honorable Jeremy Fogel
Counsel of Record, Oliveres v. California
Counsel of Record, Salazar v. Monterey County