



U.S. Department of Justice

Civil Rights Division

TCH:RSB:RPL:ESS:TAL:tst
DJ 166-012-3
2011-2187

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

August 8, 2011

The Honorable Kurt S. Browning
Secretary of State
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

This refers to Chapter 2011-40, Laws of Florida (CS/CS/HB 1355), which amends numerous provisions of the Florida Election Code and other Florida Statutes, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on June 9, 2011; additional information was received through July 29, 2011.

Your July 29, 2011, letter withdraws Sections 4, 23, 26, and 39 of Chapter 2011-40 from Section 5 review. Accordingly, no determination by the Attorney General is required concerning these provisions. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.25(a). Your letter advises that the State of Florida has instead filed a declaratory judgment action under Section 5 concerning Sections 4, 23, 26, and 39 of Chapter 2011-40 in the District Court for the District of Columbia.

The Attorney General does not interpose any objection to the remaining changes contained in the legislation. 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. 28 C.F.R. 51.41.

Chapter 2011-40 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. 28 C.F.R. 51.15.

Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section