

AUG 17 1973

Honorable Frank A. Wells
Mayor, City of Darlington
P. O. Drawer 57
Darlington, South Carolina 29532

Dear Mayor Wells:

Reference is made to your submission under Section 5 of the Voting Rights Act of 1965 concerning the change from a plurality to a majority system of elections for mayor and aldermen and the implementation of residency requirements for aldermanic positions. The sixty days which the Attorney General has to interpose an objection to the implementation of your proposed plan expires on August 21, 1973.

The submitted changes require that aldermanic candidates be residents of the district for which they run and require that mayoral and aldermanic candidates receive a majority vote to be elected. Our analysis has shown that where there is increasing participation in the political process by the black community as in Darlington, a majority and residency requirement have the practical effect of eliminating the potential for minority voters to elect candidates of their choice through the use of single-shot voting.

In addition, recent court decisions dealing with issues of this nature, and to which we feel obligated to give great weight, indicate that the combination of residency requirements and majority vote requirements have the effect of abridging minority voting rights. Craves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972), aff'd, White v. Registrar, 41 U.S.L.W. 4385 (1973); see Whitcomb v. Chavis, 403 U.S. 124 (1971).

Based on all the available facts and circumstances, the Attorney General is unable to conclude as we must under the Voting Rights Act that the changes involving the implementation of residency requirements and a majority requirement will not have a discriminatory racial effect on voting. Consequently, the Attorney General must interpose an objection to the implementation of the submitted provisions.

Should you wish to present justification for the changes objected to, or evidence that their implementation would not violate Section 5 of the Voting Rights Act of 1965, we will consider the matter further.

Of course, as provided for by Section 5, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division