

SEP 8 1975

Ms. Treva G. Ashworth
Assistant Attorney General
Wade Hampton Office Building
Post Office Box 11549
Columbia, South Carolina 29211

Dear Ms. Ashworth:

This is in response to your letter dated July 7, 1975, in which you submit R1537, which abolishes the office of tax collector and changes the method of selecting the County Supervisor from elected to appointed, to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on July 9, 1975.

The Attorney General does not interpose an objection to the abolition of the office of tax collector. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the change.

We should also state that we are unable to resolve inconsistencies in certain factual data regarding the County supervisor's post. Section 51.19 (2b C.F.R.) of the guidelines provides, in pertinent part, that:

"(1) If the evidence as to purpose or effect is conflicting, and the Attorney General is unable to resolve the conflict within the 60 day period he shall, ... enter an objection and notify the submitting authority."

Pursuant to our investigation of these matters, it appears that different members of the community have different opinions regarding the change. Because of this conflict, we are unable to conclude, at this time, that the change does not have a racially discriminatory purpose or effect.

This conflict renders us unable to resolve within the 60 day period allowed the Attorney General to render his final determination under Section 5, which in this case expires on September 8, 1975, since we are unable to resolve the conflict. Accordingly, we must more fully explore and evaluate the information received thus far. Therefore, in accordance with the Attorney General's guidelines for the administration of Section 5 (28 C.F.R. 51.19), I must interpose an objection to the change of appointing rather than electing the County Commissioner. However, you may be assured that I will have my staff expedite its consideration of this matter and, as soon as we can resolve the factual conflict, we will advise you of our ultimate determination.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division