



United States Department of Justice

WASHINGTON, D.C. 20530

ASSISTANT ATTORNEY GENERAL

NOV 25 1977

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

Dear Ms. Ashworth:

This is in reference to South Carolina State Act R329 (1977), which creates an elected seven-member Board of Education for Allendale County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on September 29, 1977.

On April 28, 1977, this Department advised you that the Attorney General interposed no objection to the new redistricting plan for Allendale County Board of Directors. Act R329 provides that five members of the County Board of Education will be elected from the five districts created by that plan and that the remaining two members will be elected at large. A majority vote is required for nomination.

Recent court decisions, to which we feel obligated to give great weight, have established that the use of at-large elections in situations where there is a cognizable racial minority and a history of voting along racial lines, especially when a majority requirement is used, has the potential for impermissibly diluting minority voting strength. See White v. Regester, 412 U.S. 755 (1973); Turner v. McKeithen, 490 F.2d 191 (5th Cir. 1973); Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973), aff'd sub nom. East Carroll School Board v. Marshall, 424 U.S. 636 (1976).

cc: U.S. District Judge Charles E. Simmons  
Thomas O. Lawton, Jr., Esquire  
Armand Derfner, Esquire  
Robert W. Warren, Esquire

We have given careful consideration to all of the information furnished by you as well as to comments and information by interested parties. Our analysis reveals that black persons represent 60.1% of the population and 55.7% of the voting age population of Allendale County. Despite this population majority, black candidates have been unable to win primary or general elections for offices elected at large, and an analysis of election returns indicates the presence of racial bloc voting. Thus, we are unable to conclude, as we must under the Voting Rights Act, that the at-large election of two members of the Board of Education does not impermissibly dilute minority voting strength in Allendale County. Accordingly, on behalf of the Attorney General, I must interpose an objection to Act R329 (1977).

Under the Procedures for the Administration of Section 5 of the Voting Rights Act (42 C.F.R. 51.21(b) and (c), 51.23, and 51.24) you may request the Attorney General to reconsider this objection. In addition, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. However, until the objection is withdrawn or such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render the change unenforceable.

In addition, our records indicate that Act No. 112, South Carolina Laws of 1965, p. 144, which abolished the elected Board of Trustees for Allendale County, and Act No. 1064, South Carolina Laws of 1974, p. 2278, which abolished the elective office of school superintendent for Allendale County, have not been submitted for review pursuant to Section 5 of the Voting Rights Act.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division