



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. Paul S. Paskoff
City Administrator
P. O. Box 190
Lancaster, South Carolina 29720

27 DEC 1982

Dear Mr. Paskoff:

This is in reference to Ordinance No. 1-74, which provides for the establishment of filing fees for the mayor and city councilmembers and the use of staggered terms for councilmembers; Ordinance No. 76-15, which provides for creation of the Municipal Election Commission, candidate qualification procedures and a majority vote requirement in judicially contested elections; and Ordinance No. 82-14, which provides for elimination of the nomination petition and waiver of filing fees for the mayor and councilmembers in the City of Lancaster, Lancaster County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was completed on October 25, 1982.

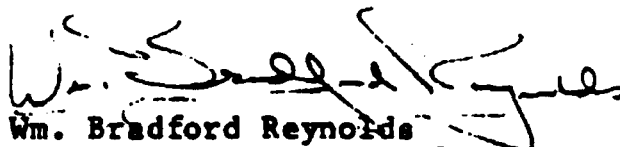
The Attorney General does not interpose any objection to these changes except for the use of a majority vote requirement in contested elections as discussed below. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

With respect to the use of a majority vote in elections which are contested (Section 10-16 of Ordinance No. 76-15), I note that the Attorney General objected to the use of majority vote requirements in Lancaster elections (Ordinance Nos. 76-16 and 77-27) on September 19, 1978, copy attached. The bases for the objection to the use of majority vote requirements in regular elections would appear to be applicable to the use of a majority vote requirement in contested elections and we have been afforded no information warranting a different conclusion. Accordingly, on behalf of the Attorney General I must object to the majority vote provision described in Ordinance No. 76-15.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this use of majority vote has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the use of majority vote in contested elections, as in all other elections, legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Lancaster plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division