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DJ 166-012-3

November 13, 1973

Mr. Haroldick Stuart, Jr.
Assistant Attorney General
State of South Carolina
Nada Hampton Office Building
Post Office Box 11349
Columbia, South Carolina 29211

Dear Mr. Stuart:

This is in response to your letter dated June 19, 1971, in which you submitted Act 2530 for review under Section 5 of the Voting Rights Act of 1965.

Our letter dated August 29, 1973, requested additional information for Act 2530. This information was received on September 14, 1973.

2530 abolished the elective office of County Superintendent of Education in Clarendon County and devolved the powers and duties of this office upon seven members of the County Board of Education. A principal function of the Superintendent is an ex-officio member of the County School Board and, under South Carolina law, he is the only elected member. Under the Code of South Carolina and Act 2530, all members of the County Board of Education will now be appointed by the Governor. Comments received from black residents of Clarendon County indicate a perception that the abolition of the elective office in conjunction with a potential black majority electorate shows a discriminatory purpose or effect. Moreover, representations have been made to this office that some black citizens of Clarendon County do not agree that this elective office should be abolished and that black candidates would offer for this position had it not been abolished. We have carefully reviewed the justification submitted to satisfy the state's burden of proof that the submitted change does not have the purpose or effect of denying or abridging voting rights on the basis of race. Under all the circumstances of this

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case we are not so persuaded and must therefore interpose an objection to the implementation of Act R530 on behalf of the Acting Attorney General.

Of course, as provided 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 change does not have the effect of denying or abridging the right to vote on account of race or color. We also enclose a copy of guidelines which provide in §31.23 for reconsideration should information not previously available be obtained.

Sincerely,

J. STANLEY FORTIENE
Assistant Attorney General
Civil Rights Division