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BJ 166-012-3
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SEP 13 1976

Mr. Alexander S. Macaulay
City Attorney
Law Offices of Wiley and Macaulay
Court House Square
Post Office Drawer 426
Walhalla, South Carolina 29691

Dear Mr. Macaulay:

This is in reference to the change to a majority vote requirement and implementation of the Home Rule Act for the City of Seneca, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on July 15, 1976.

We have given careful consideration to the information furnished by you as well as Bureau of the Census data and information and comments from interested parties. On the basis of our analysis we are unable to conclude, as we must under the Voting Rights Act, that the imposition of a majority vote requirement will not have a racially discriminatory effect in the conduct of elections in the City of Seneca.

Although the evidence is conflicting our analysis reveals that blacks constitute a substantial portion of the population of the City of Seneca and that bloc voting along racial lines may exist. Under these circumstances, recent court decisions, to which we feel obligated to give great weight, indicate that a majority vote requirement in the context of at-large elections may have the potential for abridging minority voting rights. See White v. Regester, 412 U.S. 755 (1973); Whitecomb v. Chavis, 403 U.S. 124 (1971). Thus the city has not satisfied the burden of proof required under Section 5. See 28 C.F.R. 51.19.

Accordingly, on behalf of the Attorney General, I must interpose an objection to the implementation of majority vote requirement for election of the Mayor and Councilmen of the City of Seneca. Of course as provided by Section 3 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. Until such judgment is rendered by that Court, however, the legal effect of the objection by the Attorney General is to make the change in question legally unenforceable.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

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Accordingly, on behalf of the Attorney General, I must interpose an objection to the implementation of majority vote requirement for election of the Mayor and Councilmen of the City of Seneca. Of course as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. Until such judgment is rendered by that court, however, the legal effect of the objection by the Attorney General is to make the change in question legally unenforceable.

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