

JUN 3 1977

Mr. William B. Regan
Regan & Williams
Attorneys at Law
51 Broad Street
Post Office Box 1237
Charleston, South Carolina 29402

Dear Mr. Regan:

This is in reference to the change to a majority vote requirement for election to the town council of the Town of Hollywood, Charleston County, South Carolina, submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965, as amended. Your submission was received on April 11, 1977. Although we noted your request for expedited consideration, we have been unable to respond before this time.

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. Our analysis reveals that blacks constitute a substantial proportion of the population of the Town of Hollywood and that pursuant to the present form of government all of the town officials are elected at-large. Under these circumstances, recent court decisions, to which we feel obligated to give great weight, indicate that a majority vote requirement could have the potential for abridging minority voting rights. See White v. Regester, 412 U.S. 755, 766-67 (1973); Zimmer v. McKelthen, 485 F. 2d 1297, 1303 (5th Cir. 1973), aff'd sub nom. East Carroll School Board v. Marshall, 424 U.S. 636 (1976).

cc: Public File
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Section 5 of the Voting Rights Act places upon the submitting authority the burden of proving that a submitted change in voting practice and procedure does not have a racially discriminatory purpose or effect. (See Georgia v. United States, 411 U.S. 526 (1973); 28 C.F.R. 51.19.) Because of the potential for diluting black voting strength inherent in the use of a majority vote requirement in Hollywood and because the town has advanced no compelling reason for its use, we are unable to conclude that the burden of proof has been sustained and that the imposition of the majority requirement, in the context of an at-large election system, will not have a racially discriminatory effect in the Town of Hollywood. Accordingly, on behalf of the Attorney General, I must interpose an objection to the implementation of the majority vote requirement for the election of town council members.

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. In addition, Sections 51.21, 51.23, and 51.24 of the Attorney General's Section 5 guidelines (28 C.F.R. 51.21, 51.23, and 51.24) permit reconsideration of the objection should you have new information bearing on the matter. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court is obtained, the legal effect of the objection by the Attorney General is to make the change to majority vote legally unenforceable.

Sincerely,

Draw S. Days III
Assistant Attorney General
Civil Rights Division