

AUG 31 1977

Mr. D. A. Early
County Attorney
Post Office Box 235
Barber, South Carolina 29003

Dear Mr. Early:

This is in reference to the change in referendum date and to the change in the method of filling vacancies on the County School Board in Barber County, 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 August 24, 1977, and in accordance with your request expedited consideration was given pursuant to the Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. Section 51.22).

The Attorney General does not interpose any objections to the change in referendum date from November 1976 to March 1977, or to the change from an appointive to an elective method of filling vacancies on the County School Board. 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.

With respect to the at-large feature of the electoral system we have carefully considered the information you provided as well as election returns for at-large elections in which black persons have competed. We are concerned under Section 5 with whether this at-large feature dilutes the voting strength of any group of persons on the basis of race or color.

We note that the submitted plan calls for the election of seven School Board members, one from each of the seven councilmanic districts. Blacks comprise 42 percent of the registered voters, at least half of the voting age population, and have the potential to elect three candidates of their choice under the present councilmanic districting system. The injection of an at-large feature, against the background of racial bloc voting that appears to exist in the county, significantly reduces the opportunity of minority voters to select the candidates of their choice.

Therefore, I must on behalf of the Attorney General interpose an objection to the at-large feature of the electoral system for the Bamberg County, South Carolina School Board.

Under Sections 51.21(b) and 51.24 of the Procedures for the Administration of Section 5 of the Voting Rights Act, you may request the Attorney General to reconsider this objection. In addition, you are permitted under Section 5 of the Voting Rights Act to seek a declaratory judgment in the District Court for the District of Columbia that this change does not have the purpose or effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is obtained the effect of the objection by the Attorney General is to render the change legally unenforceable.

Finally, we are enclosing for your convenience a copy of our guidelines. This should be helpful to you in making future submissions under the Voting Rights Act. If we may be of further service to you please do not hesitate to contact us.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division