

The State of South Carolina



Office of the Attorney General

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February 20, 1992

The Honorable Ronald P. Townsend
Member, House of Representatives
436-C Blatt Building
Columbia, South Carolina 29211

Dear Representative Townsend:

Attorney General Medlock has referred your letter to me for reply. You have stated that there is a proposal to amend a provision in Section 3 of Act 643 of 1960. The proposal would change the number of pupils within a trustee district from six thousand to nine thousand pupils. The 1960 Act established that the number of trustees in each district would be dependent upon the number of pupils in each district. The proposed amendment does not change the number of trustees, only the base number of pupils in each district.

You have inquired if this proposed change, if enacted, would have to be precleared by the Justice Department under a Voting Rights Act review. As trustees are elected under this Act and not appointed, the change should be submitted for preclearance.

You have also inquired if the Justice Department would require the districts to be single-member. That would be difficult to discern. The 1960 plan, as it predates the 1965 Voting Rights Act, would not strictly be before the Justice Department and, therefore, the Department should not be able to object to the 1960 plan. However, the Justice Department could conceivably raise a question about at large elections in the context of the elections of the trustees elected pursuant to Section 3, which would be before them. Whether or not they would actually find at large elections objectionable in the context of this election, would be difficult to predict.

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If I can be of any further assistance, please inform me.

Very truly yours,

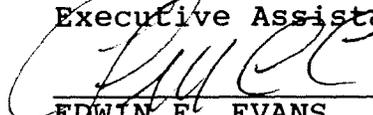


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REVIEWED AND APPROVED BY:



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