

# The State of South Carolina



## Office of the Attorney General

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March 13, 1991

The Honorable Isadore E. Lourie  
Senator, District No. 21  
303 Gressette Building  
Columbia, South Carolina 29202

Dear Senator Lourie:

You have provided a copy of an amendment to S.708 and have asked our opinion as to whether such would require preclearance under Section 5 of the Voting Rights Act of 1965, as amended, by the United States Department of Justice if it were to be enacted by the General Assembly.

The bill if adopted would amend § 7-11-15, S.C. Code Ann. (1976), to revise filing dates for candidates for the specified public offices, as well as § 7-11-210 with reference to filing dates, and § 7-13-40, as to the dates of primary and run-off elections if a political party nominates its candidates by primary election. Clearly these types of changes, if adopted, would affect voting practices. Section 5 of the Voting Rights Act requires preclearance of any change affecting voting prior to implementation of that change. Of course, the Department of Justice would ultimately decide whether preclearance is necessary for a given legislative act, but to the extent that we are able to advise, it is our view that the changes proposed by S.708, if adopted, would require preclearance prior to their implementation.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

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Robert D. Cook  
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