

1973 WL 26866 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1973

*1 The Honorable James M. Condon
Member
House of Representatives
606 Peoples Building
Charleston, South Carolina 29401

Dear Mr. Condon:

Your letter of August 21, 1973, refers to R-688, which realigned the voting precincts in Charleston County. The Act was approved by the Governor on July 10, 1973. The Act was submitted to the Department of Justice on July 18, 1973, in accordance with the provisions of the Voting Rights Act of 1964. The Department of Justice is required to act within sixty days after receipt of the letter of submission from this Office. This period, under regulations issued by the Department of Justice, can begin to run from the date the Department receives full information which it may require concerning the application of the new Act, particularly with regard to such matters as the racial alignments in the old and new precincts and with regard to such other matters as they may consider appropriate. The Department of Justice has not requested such additional information and I would assume that they will make a determination within the normal sixty-day limit, but this is subject to the possibility that they may require further information, which would have the effect of extending the period within which they are required to act.

You inquire in your letter whether the election on incorporation to be held on James Island may be conducted, using the previous precincts or whether new registration must be accomplished before the election in the precincts established by R-688.

Under the provisions of the Voting Rights Act of 1964, the new statute cannot be implemented or placed into effect unless and until it has received approval by the Justice Department or unless the Justice Department has failed to act within the period of time allotted to them. In these circumstances, it is my opinion that the old precincts must be used until the new law can be implemented. The date for such implementation is uncertain and, consequently, it is my opinion that the election should not be held until the validity of the new precinct lines is clearly established. The Commission for the holding of the election was issued by the Secretary of State on the 20th day of August 1973, and I am uncertain as to whether a specific date for the election has been fixed or not. If, before the date that may be set for the election, the Justice Department should approve the new alignment of precincts, it should be followed and, therefore, sufficient time should be allowed before the election to establish with certainty what precincts are to govern. Any other course would probably lead to confusion and uncertainty.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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