

1973 S.C. Op. Att. Gen. 338 (S.C.A.G.), 1973 S.C. Op. Att. Gen. No. 3653, 1973 WL 21104

Office of the Attorney General

State of South Carolina

Opinion No. 3653

October 26, 1973

**\*1 1. The House Reapportionment Plan has a fairly good chance of being sustained in the courts insofar as population variances and the utilization of multi-member districts is concerned.**

**2. The Reapportionment Plan probably does not violate any constitutional provisions; however, a greater degree of uncertainty exists insofar as consideration by the Department of Justice under the provisions of the Voting Rights Act of 1964 is concerned.**

Governor

State of South Carolina

You have requested my opinion as to the validity of the House Reapportionment Plan which is now before you following its ratification.

This plan was forwarded to this office on October 19, 1973, upon its adoption by the House in the same form as it now exists, and we have therefore had a relatively short period of time to study its complete ramifications.

It is difficult to express with confidence any opinion upon the bill for the reason that its ultimate disposition by the courts will, to a large extent, depend upon what sequence of legal events may subsequently take place. It is my opinion that the House Reapportionment Plan has a fairly good chance of being sustained in the courts insofar as population variances and the utilization of multi-member districts is concerned.

Insofar as consideration by the Department of Justice under the provisions of the Voting Rights Act of 1964 is concerned, a greater degree of uncertainty exists. Any speculation as to that Department's probable position on the plan would be somewhat premature in that advance copies of the act have just been forwarded to Washington within the last few days and plans are now in preparation to attempt to demonstrate to the Department of Justice that the Reapportionment Plan will not have the effect of diluting the voting strength of any cognizable minorities.

I emphasize that I cannot with confidence express an opinion upon the validity of this bill. A number of factors can affect such a determination, none of which can be predicted with certainty. Additionally, basic supporting data has been and is being collected for submission to the Department of Justice for its consideration and the persuasiveness of this factor can have a controlling effect upon the decision to be reached by it.

It is my opinion that the Reapportionment Plan probably does not violate any constitutional provision although I hold some reservations with respect to its consideration by the Department of Justice and the effect which disapproval by that Department may have upon subsequent legal procedures.

Daniel R. McLeod

Attorney General

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