

1973 WL 26702 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 9, 1973

*1 Mr. W. C. Hawkins
District Superintendent
Lexington County School District No. Five
Ballentine, South Carolina

Dear Mr. Hawkins:

Thank you for your letter of April 6 relating to the proposed bill to divide present School District No. 5 into separate school districts.

I am in full accord with the opinion expressed by Messrs. Sinkler, Gibbs, Simons & Guerard dated March 22, 1973, and directed to the Board of Trustees of School District No. 5. The issue as to debt limitation is far from clear in the light of the decisions referred to in that letter and I agree with the conclusions expressed therein that this issue must eventually be resolved by the courts.

The matter of special legislation is one which I feel is more capable of being favorably answered by the courts, in that the Supreme Court of this State has repeatedly expressed its construction of the pertinent constitutional provision in favor of liberally construing this provision with respect to school districts, recognizing that they occupy a status different from that generally prevailing. However, the amendment to the Constitution does cast doubt on previous holdings.

With respect to the Voting Rights Act of 1965, it is my opinion that the Act, when adopted, must be submitted to the Department of Justice. This is a procedure which is normally carried out by this Office, as we check the Acts as they are approved and submit to the Department of Justice the ones which we feel are required to be submitted to it. Anything dealing with elections or appointment to office of this type usually is considered by the Department of Justice to come within the scope of the Voting Rights Act. The Act cannot be enforced until the Department, with some time limitations, has approved it. When your Act is finally approved by the Governor, if you will call it to my attention, I will get in touch with the Department of Justice and ask them to act upon it expeditiously, but I am certain they will require certain information with respect to numbers of blacks in the districts, particularly. We will apprise you of the details of what they require as soon as the Act is approved.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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