



U.S. Department of Justice

Civil Rights Division

TCH:RSB:MSR:VW:maf:par
DJ 166-012-3
2011-2798

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

SEP 26 2011

The Honorable Glenn F. McConnell
President Pro Tempore, South Carolina Senate
c/o Michael A. Carvin, Esq.
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001

Dear Mr. McConnell:

This refers to Act No. 71 (S. 815) (2011), which provides the 2011 redistricting plan for the South Carolina Senate, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on July 27, 2011.

Our analysis indicates that the information sent is insufficient to enable us to determine that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

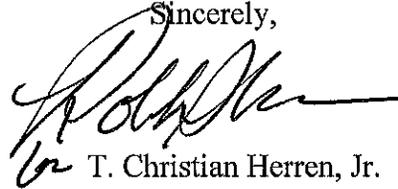
1. With regard to benchmark District 17, please provide the factual basis for the state's determination that the district does not provide black voters with the ability to elect a candidate of choice to office.
2. To the extent not previously provided, the following information for all precincts that are in whole or in part located within benchmark District 17, election returns for all state or federal offices from 2006 to the present, including primary, runoff, and general elections. For each election, please indicate the following:
 - a. each candidate's name, party, and race (indicate the incumbent(s), if any, and whether incumbency was by election or appointment);
 - b. the number of votes each candidate received by precinct;
 - c. the racial composition of each voting precinct not entirely within the district; and
 - d. the number of votes cast either by absentee ballot or early voting reallocated to the voters' precinct of record.

If available, please provide the data in electronic format (.dbf, .xls, or .txt files).

The Attorney General has sixty days to consider a completed submission pursuant to Section 5. This sixty-day review period will begin when we receive the information specified above. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.37. However, if no response is received within sixty days of this request, the Attorney General may object to the proposed change consistent with the burden of proof placed upon the submitting authority. 28 C.F.R. 51.40 and 51.52(a) and (c). Changes that affect voting are legally unenforceable unless and until the appropriate Section 5 determination has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. Therefore, please inform us of the action that the State of South Carolina plans to take to comply with this request.

If you have any questions concerning this letter or if we can assist you in obtaining the requested information, please call Robert S. Berman (202/514-8690), a deputy chief in the Voting Section. Refer to File No. 2011- 2798 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Christian Herren, Jr.", written in a cursive style.

T. Christian Herren, Jr.
Chief, Voting Section