

1976 WL 30622 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 21, 1976

\*1 Honorable Paul Gelegotis  
Member  
House of Representatives  
1739 Mayoank Highway  
Charleston, SC 29412

Dear Representative Gelegotis:

You have requested an opinion from this Office as to the validity of Bill H. 3368, prefiled on December 8, 1975, which provides for a referendum to select the form of government and the method of election of council members for Greenville County. This bill and several others like it have been introduced pursuant to § 14-3701 of the 1962 Code of Laws, as amended in the home rule legislation of 1975, which provides that such a referendum 'may be called by an act of the General Assembly . . .'. At least one such act (No. 333 of 1975, relating to Aiken County) has been passed and signed by the Governor. H. 3368 is almost identical except for the addition of Section 3, providing for deletion from the ballot of any form of government declared unconstitutional. This section makes explicit a result which would logically have to follow in the event of the State Supreme Court's holding any form unconstitutional. It has the advantage of clarifying any doubts which county election officials might have should such a situation arise. It is the opinion of this Office that this legislation properly achieves the result called for by § 14-3701.

Please let me know if I can be of any further assistance to you.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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