

1976 WL 30585 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 7, 1976

*1 J. M. McLendon, Esquire
Attorney at Law
P. O. Box 1096
Marion, South Carolina 29571

Dear Mr. McLendon:

You have requested advice from this office as to whether or not Marion County should submit a resolution adopted by the Marion County Board of Commissioners to the Secretary of State for filing pursuant to Section 14-3701(A) of Act No. 283 of 1975, the 'home rule' legislation, before the General Assembly provides for the number of council members, the term of their office, and the delineation of the single member districts.

I have talked with Mr. John Stokes, the Deputy Secretary of State, and he informed me that only two counties have filed their respective resolutions adopting a new form of county government although, as you know, several counties have held referenda to choose a new form of county government.

Inasmuch as the act is silent as to when the county resolutions should be submitted to the Secretary of State, my opinion is that Marion County, as other counties seem to have done, should wait until the General Assembly performs its tasks pursuant to the 'home rule' legislation and then submit the new form of county government with all details supplied. I might add however that, even though the act provides that the new form of government shall become effective immediately upon filing the resolution with the Secretary of State, our office has advised several counties already that further implementation of the act on the part of individual counties cannot be effected until the United States Justice Department approves the new form pursuant to its authority under Section 5 of the 1965 Voting Rights Act.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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