

1976 WL 30714 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 15, 1976

*1 Richard Ruhle, Esquire
City Attorney
P. O. Box 107
Anderson, South Carolina 29622

Dear Mr. Ruhle:

You have requested an opinion from this Office as to whether or not the City of Anderson can combine two separate methods of election prescribed by Act No. 283 of 1975, the 'home rule' legislation, for the members of its municipal council as follows:

Four councilmen from four wards, each councilman required to be a resident of his ward and to be voted upon only by the constituency of his particular ward [Section 47-91(2)]; and four councilmen elected from the same four wards, with a geographic residency requirement for each councilman from each ward but voted upon at large by the county-wide electorate [Section 47-91(4)].

As I read Section 47-91, the municipal council is to 'select any one of the following methods of election of council' [emphasis added]. Of the five alternate methods of election thereafter provided for, the only one which allows for a combination of methods is that provided for by Section 47-91(3), i.e., a combination of the single-member district election method and the at large election method. Section 47-91 does not provide for a combination of the single-member method and the at large with residency district method.

The opinion of this Office is, therefore, that the City of Anderson cannot use the method of election hereinabove described for the reason that such method is not authorized by Section 47-91 of Act No. 283 of 1975.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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