

1976 WL 30725 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 19, 1976

*1 Representative H. Keith Vanderford
Route 5—Box 127-A
Union, South Carolina 29379

Dear Representative Vanderford:

In reply to your request for an opinion as to the procedure that candidates for membership on the new county council for Union County should follow in view of the fact that the single member district lines, as well as the number of council members and their terms of office, have not yet been determined, our Office has been advising counties throughout the State that candidates should file according to the new lines if those lines are known; if not, the only alternative is to file according to the old seats until such time as the new seats are known. We fully anticipate that, regardless of the State Supreme Court's decision in the 'home rule' lawsuit now pending before it, the legislature will make allowances therefor by re-opening filings if necessary or by declaring that those candidates who filed according to the old seats will automatically be considered as having filed for whichever new seat their residence falls into.

In the case of Union County, however, the present method of election plan is a court-ordered one; it will be necessary, therefore, before any deviation from the present plan is attempted, to petition the court for relief from the present plan. I advise you to discuss the matter with the Union County Attorney, O. Eugene Powell, Jr., Esquire, or with the retired Union County Attorney, Bruce W. White, Esquire, who, along with our Office, defended the Union County reapportionment suit.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney, General

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