

1976 S.C. Op. Atty. Gen. 124 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4306, 1976 WL 22926

Office of the Attorney General

State of South Carolina

Opinion No. 4306

March 23, 1976

*1 The Honorable John T. Wood
Member
House of Representatives
Greenville County
Tigerville, South Carolina 29688

Dear Mr. Wood:

You have requested an opinion from this Office concerning House Bill No. 3562 which authorizes the General Assembly to designate, fix and establish voting precincts.

It is my opinion that this bill will codify the existing law. Former provisions of the South Carolina Constitution stated that the General Assembly shall establish polling precincts. See former Article 2, Section 9; Article 7, Section 13. These provisions were repealed by recent amendments. In the comments concerning these sections in the Final Report of the Committee to Make a Study of the South Carolina Constitution of 1895, the Committee stated that they recommended: ‘—the deletion of this section (Art. 2, § 9) since the regulation of precincts is a matter for the General Assembly. Precincts are essential to the voting process and the General Assembly really has no choice on the matter. Of necessity, they must be provided.’ See also p. 95.

This bill will, therefore, codify existing law to the effect that only the General Assembly has the power to designate, fix and establish voting precincts and voting places.

Very truly yours,

Daniel R. McLeod
Attorney General

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