

1976 WL 30786 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1976

*1 R. Markley Dennis, Esquire
County Attorney
337 E. Main Street—P. O. Box 1174
Moncks Corner, South Carolina 29461

Dear Mr. Dennis:

Mr. McLeod has requested that I respond to your questions relating to Act No. 283 of 1975, the 'home rule' legislation. Section 14-3701(a) provides that, after a referendum on a form of government and on a method of election is held, the present governing body of the county is to adopt that form of government and method of election by resolution and file that resolution with the Secretary of State. The Act, in another section, provides that the form of government becomes effective upon the adoption of that resolution by the county governing body; however, our office has advised all counties that before the provisions of the Act can be further implemented, the United States Department of Justice must approve both the form of government and the method of election selected by each county pursuant to its authority under the 1965 Voting Rights Act.

Inasmuch as the determination as to the number of members of Berkeley County's new governing body, their terms of office and the single member district lines from which they are to be elected, is, according to the Act, to be made by the General Assembly and, further, inasmuch as the authority of the General Assembly to make that determination is now being challenged in the State Supreme Court, my opinion is that the present governing body of Berkeley County can do no more than adopt the resolution contemplated by Section 14-3701(a) of Act No. 283.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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