

1983 WL 181721 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1983

*1 Thomas A. Babb, Esquire
Laurens County Attorney
Pose Office Box 670
Laurens, South Carolina 29360

Dear Mr. Babb:

This letter is to confirm our telephone conversation of last week. You have stated that a request has been made the Laurens County change their method of election from at large to single member. You have inquired if the law would not require a petition and referendum on this question before a change could be made.

SOUTH CAROLINA CODE OF LAWS, 1976, as amended, Section 4-9-10(c) provides that:

[a]fter the initial form of government and the number and method of election of county council . . . has been adopted and selected, the adopted form, number, and method of election shall not be changed for a period of two years . . . and then only as a result of a referendum . . . Referendums may be called by the governing body of upon petition of not less than ten percent of the registered electors of the county.

Therefore, under the law a referendum called either by this governing body or by a petition, must be held before the method of election could be changed.

You have also inquired if the County Council could be elected from numbered seats or by having some districts elected at large and others elected from single member districts. The only alternatives authorized under Home Rule are a choice between at large and single member districts. SOUTH CAROLINA CODE OF LAWS, 1976, as amended, Section 6-9-10(a).

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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