

1982 WL 189168 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1982

*1 Honorable Ryan C. Shealy
Senator
District No. 8
Post Office Box 142
Columbia, South Carolina 29202

Dear Senator Shealy:

You have requested an opinion of this Office regarding various questions on how a county can change its method of election. Under the provisions of the Home Rule Act there is no authorization for a county to change its method of election.

South Carolina Code of Laws, 1976, as amended, Section 4-9-10(c) states in part that

[a]fter the initial form, number and composition has been adopted and selected, the adopted form, numbers and composition shall not be changed for a period of two years from the date such form becomes effective and then only as a result of a referendum . . . Referendums may be called by the governing body or upon petition of not less than ten percent of the registered electors of the county . . .

Therefore, no change in the form, number or composition can be made for two years and then it must be done by a referendum. However, it has been the prior opinion of this Office that this provision does not authorize a county to change its method of election. (See Opinion dated February 13, 1978, of Assistant Attorney General Karen Henderson to Charles Porter, a copy of which is enclosed.)

Therefore, a referendum could not affect the present method of election for a county as the law does not provide for a county to change the method of election once it was adopted under the Home Rule Act.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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