

1982 WL 189210 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1982

*1 Honorable William S. Branton, Jr.
Representative
District No. 98
308-C Blatt Building
Columbia, South Carolina 29211

Dear Representative Branton:

I am in receipt of your recent letter in which you inquired if Section 3 of House Bill 3144 is constitutional. This section would allow any councilmember whose term of office has not expired to continue in office even if the area he represents has been reapportioned.

As I informed you when we talked last week concerning this question, I believe that this procedure could raise problems with the one man, one vote principle if councilmembers are allowed to serve out unexpired terms. However, no definitive answer can be given on this question as only a court of competent jurisdiction could definitively decide this question.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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