

1981 WL 158051 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 20, 1981

*1 Mr. Ladson F. Howell
Beaufort County Attorney
Post Office Box 40 Beaufort, South Carolina 29902

Dear Mr. Howell:

This letter is to confirm my telephone conversation with you of this date and in response to the recent letter of Mr. Horne, Chairman of the Beaufort County Council. You have stated that the Beaufort County Council has decided to conduct a referendum to determine what method of election the people in Beaufort County prefer. As I informed you on the phone, the home rule provisions do not authorize a county to change its method of election after the initial selection made under home rule.

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, at this time, it would not be possible for Beaufort County to change its method of election.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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