

1980 WL 121213 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1980

\*1 G. P. Callison, Esquire  
Greenwood County Attorney  
Post Office Box 1115  
Greenwood, South Carolina 29646

Dear Mr. Callison:

Regarding your May 7, 1980, letter, I think that the ballot on whether or not to change the form of county government in Greenwood County should have a way for a voter to vote for no change—the way it reads now, the voter must vote for either the council-supervisor or the council-administrator form and does have a way to vote for no change. As far as the number of council members is concerned, if the council-supervisor form is chosen, another election will be necessary in order to elect the supervisor so I think that the five-member council that is mentioned on the ballot clearly means that if the council-supervisor form is selected, there will be five members and that the supervisor, when he is elected, will be the chairman and vote in case of a tie pursuant to [Section 4-9-410, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. Finally, [section 4-9-10\(c\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, makes clear to me that regardless of whether the referendum to change the form of government is initiated by the council or by petition, the ballot can contain fewer than the four alternative forms of county government [‘[n]o change . . . shall become effective unless such proposed form . . . (emphasis added)]. The Honorable Theodore D. Stoney reached the same conclusion in an action entitled Hamilton v. Tillman. I am enclosing a copy of that opinion for your information; note particularly the language on pages 9-10.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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