

1976 WL 30623 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 22, 1976

*1 Honorable James B. Ellisor
Executive Director
State Election Commission
P. O. Box 5987
Columbia, South Carolina 29250

Dear Mr. Ellisor:

On July 25, 1975, you were advised that in our opinion Section 25-153.1 would empower county boards of voter registration to create new voting precincts and abolish old ones. See, Letter to James B. Ellisor from C. Tolbert Goolsby, Jr., dated July 25, 1975.

Recently the County Council of Greenville County was advised by this office that only the General Assembly could realign precinct lines within a county. See, Letter to H. Michael Spivey from Treva G. Ashworth dated December 9, 1975.

This is to advise that that portion of our previous letter to you which deals with the constitutionality of the enactment by the General Assembly of legislation establishing or realigning precinct lines within a county is reaffirmed. However, that portion of our prior opinion which concerns the creation or abolition of precincts by county boards of voter registration must be revised. Boards of registration, pursuant to Section 23-153.1, may define voting precincts, but only to the extent that voting precincts need to be further described or more particularly defined. They may not created or abolish voting precincts in further describing or more particularly defining those voting precincts heretofore established by the General Assembly unless Section 23.153.1 is hereafter amended.

Kindest personal regards,

Karen LeCraft Henderson
Assistant Attorney General

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