

1979 WL 43608 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 21, 1979

*1 Ms. Nelle G. Power
Administrator
County of Greenville
Registration and Election Office
1-A Courthouse Annex
Greenville, South Carolina 29601

Dear Ms. Power:

You have asked the opinion of this Office on the following questions:

- (1) When a municipality extends its boundary through annexation, should the boundary of the precinct encompassing the municipality be extended to include the annexed area?
- (2) If the annexed area remains in the precinct of which it was a part prior to the annexation for purposes of elections, where would the electors therein vote in municipal elections?
- (3) When the annexation and resulting change in the precinct boundary geographically separates a portion of a precinct from the remainder thereof, does the separated portion remain with the precinct even though they are not contiguous?

As our Office understands the facts related to your request, the City of Fountain Inn recently annexed a portion of the area designated as Greenville County Precinct 79 by [§ 7-7-280 of the Code of Laws of South Carolina](#), 1976, as amended. The annexed area is near the Precinct 79 boundary described by [§ 7-7-280](#) as ‘on the south by Fountain Inn city limits, U.S. Hwy. 276.’ Furthermore, the annexation completely separated another small portion of Precinct 79 from the remainder of that precinct.

The General Assembly by legislation establishes, designates and fixes the boundaries of voting precincts. See [§ 7-7-10](#); Opinion of the Attorney General dated April 11, 1978 [copy attached], pp. 2-3. To respond to your inquiry, it is necessary to review the legislation defining the boundaries of the precincts in Greenville County to determine the impact of the annexation thereon.

Greenville County Precinct 78 is defined by [§ 7-7-280](#) as the ‘area bounded by the city limits of Fountain Inn.’ As noted above, the city limits of Fountain Inn now include that area of Precinct 79 annexed thereto. By using the city limits of Fountain Inn as the boundary of Precinct 78 rather than actually describing the geographic boundaries, the General Assembly must have intended to allow this precinct to change with the limits of the city. Thus, the annexation of the area above-noted would result in the area becoming part of Precinct 78 by reason of the definition in [§ 7-7-280](#), and the electors in the area should be mailed new registration certificates pursuant to [§ 7-7-960](#).

An answer to question (2) is unnecessary because of the response to question (1). It should be noted, however, that [§ 7-7-280](#) specifically provides that the voting place for Precinct 78 ‘shall be [the] Fountain Inn town hall.’

Concerning the small portion of Precinct 79 which has been separated from the remainder of the precinct, the General Assembly customarily establishes precincts which are contiguous. The separated portion of Precinct 79, consequently,

would remain in that precinct, but the legislative delegation of Greenville County should be advised of this development so that it may introduce remedial legislation if it so desires.

***2** Based on the foregoing, it is the opinion of this Office that the recently annexed area of Fountain Inn is now included in Greenville County Precinct 78 and that the other portion of Precinct 79 completely separated therefrom by reason of the annexation would remain a part of Precinct 79.

Sincerely,

James v. Holly
State Attorney

1979 WL 43608 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.