

1978 WL 34699 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 14, 1978

*1 Newton I. Howle, Jr., Esquire
Baker & Etheridge
Post Office Box 77
Darlington, South Carolina 29532

Dear Mr. Howle:

In response to your request for an opinion from this Office as to whether or not the members of the Darlington County Council (Council) are to continue to be elected pursuant to the provisions of Act No. 874 of 1960 [51 STAT. 2016 (1968)], they are to be so elected provided that the United States—Justice Department, acting pursuant to its authority under Section 5 of the 1965 Voting Rights Act, has interposed no objection to that method of election.

The Justice Department has required each South Carolina county to submit its form of county government as well as its method of electing the members of its governing body for approval before such form and method can be effective in that county, irrespective of whether or not the new form of government and method of election are determined by referendum or by virtue of the provisions of [Section 4-9-10\(b\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976. Consequently, Darlington County should have already submitted to the Justice Department the method of election prescribed in Act No. 874 of 1960, as amended, and the council-administrator form of government, both of which it possesses by virtue of the provisions of [Section 4-9-10\(b\)](#), and, assuming that approval therefrom has been obtained, should elect its Council members accordingly.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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