

1978 WL 34784 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 20, 1978

*1 Honorable Alex Harvin, III
Member
House of Representatives
District No. 66
Post Office Box 266
Summerton, South Carolina 29148

Dear Representative Harvin:

In response to your request for an opinion from this Office as to whether the Clarendon County Legislative Delegation (Delegation) or the Clarendon County Council (Council) has the authority to change the method of electing the members of the Council, I am enclosing a copy of a previous opinion on that question as it relates to a county council's authority. The Delegation is without authority to change the method of electing the Council members once that method has been approved by the United States Justice Department. [Section 4-9-30\(c\), CODE OF LAWS OF SOUTH CAROLINA, 1976](#), is intended to provide the referendum method, triggered by petition or by county ordinance, as the one by which the method of election can be changed; there is presently, however, a gap in that Section, as the enclosed opinion discusses, which gap, I understand, is the subject of proposed legislation by Representative Jean H. Toal.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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