

1978 WL 34822 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 30, 1978

\*1 Thomas M. Boulware, Esquire  
Brown, Jefferies & Boulware  
Bankers Trust Building  
P. O. Box 248  
Barnwell, SC 29812

Dear Mr. Boulware:

I am in receipt of your recent letter of March 28, 1978. You have asked if a change in the polling place for Barnwell Precinct Numbers 1, 2, and 3 must be designated by a legislative act or if the county council may designate the polling place by ordinance.

[Section 7-7-100 of the Code of Laws of South Carolina](#), 1976, designates the voting precincts in Barnwell County and specifically designates the polling places for Barnwell Precinct Numbers 1, 2, and 3. As these polling places were designated by statute, they should be amended by statute. The county council would, of course, not have the power to amend a statute by an ordinance. Additionally, Home Rule has not conferred upon the county council specific authority to designate polling places. This Office has taken the position that if a polling place has not been designated by statute, the Commissioners of Election would have the authority to designate the polling place. However, in a situation such as exists in Barnwell Precinct Numbers 1, 2, and 3, the statute establishes the polling place and any change in the polling place should be accomplished by legislation.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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