

1978 WL 34829 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1978

\*1 Thomas M. Boulware, Esquire  
Post Office Box 248  
Bankers Trust Building  
Barnwell, SC 29812

Dear Mr. Boulware:

You have asked the opinion of this Office as to whether the United States Justice Department would have to review and approve any changes in district lines for advisory magisterial elections that may be made prior to such elections. Also you asked for an opinion as to whether it would be necessary for the General Assembly to define or re-define the specific lines for magisterial districts for purposes of advisory elections.

Inasmuch as elections for magistrates are purely advisory since the office of magistrate is an appointive and not an elective office, it is the opinion of this Office that review and approval by the United States Justice Department is not required as to any changes in district lines for advisory magisterial elections. As to your question concerning whether it is necessary that the General Assembly define the specific lines for magisterial districts for purposes of an advisory election, it appears that it would be necessary that the General Assembly make such changes.

By [Article V, Section 23 of the South Carolina Constitution](#), the General Assembly is to provide for magisterial terms of office, the number of magistrates within a county, and the civil and criminal jurisdiction of magistrates. Therefore, it would follow that any changes in magisterial districts would be a matter for the Legislature to consider. This Office is not aware of any provisions of the 'home rule' act which would authorize any other county board or office to direct such changes.

If there is anything further, do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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