

1975 WL 29613 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1975

*1 Mr. Russell B. Shetterly
Executive Director
South Carolina Association of Counties
Suite 808 SCN Center
1227 Main Street
Columbia, South Carolina

Dear Mr. Shetterly:

Mr. McLeod has referred your letter concerning a bill bearing House No. 2136 to me for reply. You have inquired if the effect of this bill would be to require persons to run for re-election in 1976. The bill states in part:

In any county of the State where the members of the governing body are elected from separate districts, the governing body shall apportion such districts so that the variance in population between districts, based on the latest official United States census, shall not exceed ten percent. After initial apportionment which shall be accomplished not later than ninety days after the effective date of this act, such districts shall be reapportioned by the governing body within six months following the adoption by the State of the official United States decennial census.

The effect of the language in this bill would be to require apportionment within ninety days after the effective date of this act which would be January 1, 1976. Reapportionment would thereafter follow in 1980. Therefore, absent a provision allowing elected officials to continue in office following the 1976 apportionment, this bill would apparently have the effect of requiring these elected officials to run for re-election.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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