

1975 WL 29641 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 31, 1975

*1 The Honorable Walter J. Bristow, Jr.
Chairman
County Council Liaison Committee
Richland County Legislative Delegation
Post Office Box 4069
Columbia, South Carolina 29240

Dear Senator Bristow:

Thank you for your letter of March 25, 1975, enclosing a copy of a proposed bill relating to the composition of the County Council for Richland County. The bill would increase the number of members and provide for members to be elected from the same districts as members of the House of Representatives. The bill provides for any special election to be held within sixty days following the effective date of the proposed Act.

It is my opinion that such a bill would provide for an unconstitutional statute, in that it would violate the provisions of Article VIII of the Constitution of South Carolina, which relates to local government. By the terms of that constitutional provision, the structure, organization, powers, duties and responsibilities of counties must be provided by general law. Such a law has not been designed by the General Assembly, and until the constitutional mandate is complied with, it is my opinion that the various counties of the State must continue as presently structured.

Very truly yours,

Daniel R. McLeod
Attorney General

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