

1975 WL 29084 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 19, 1975

*1 Mr. D. Gene Rickenbaker
Executive Assistant
Office of the Governor
Post Office Box 11450
Columbia, South Carolina 29211

Dear Gene:

I am enclosing herewith a copy of an analysis of the Home Rule Act which was prepared by Mrs. Henderson and which will answer nearly all of the questions submitted by you in your letter of July 29. These questions are:

1) Are counties under S-18 (Home Rule) required to hold a referendum on the question of whether or not the county governing body shall be elected from defined single member districts?

The answer to this question is no.

2) Does the failure to hold a referendum prior to July 1, 1976, on the question of single member districts mean that the method of election of the county governing body in effect immediately prior to that date is then selected under the statute and may not be changed except by legislation?

If, prior to July 1, 1976, a county fails to hold a referendum on a method of election but does hold a referendum on a form of government, the method of election for that county's governing body will automatically be by single member districts, unless the form of government selected is the board of commissioners form. If a county holds neither type of referendum, the method of election in effect immediately prior to July 1, 1976, continues under the new form of government determined by Section 14-3701(b) of the Act.

3) Can a referendum be held to determine the wishes of the registered electors in a county on the question of whether members of the county governing body shall be elected from defined single member districts without a referendum to determine the wishes of the electorate as to the form of government to be selected in that certain county?

The answer to this question is yes.

Reference to the analysis enclosed will clarify some other issues, and if you have any questions on the matter, please let me know.

Cordially,

Daniel R. McLeod
Attorney General

1975 WL 29084 (S.C.A.G.)