

1975 WL 29321 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 10, 1975

*1 Senator Edward E. Saleeby
P. O. Box 519
Hartsville, South Carolina 29550

Dear Senator Saleeby:

You have raised a question concerning whether Darlington County will have to submit to the United States Justice Department for its approval the form of county government, including a method of election, which will become effective in Darlington County on July 1, 1976, pursuant to Section 14-3701(b) of Act No. 283 of 1975, the 'home rule' legislation.

On August 28, 1975, our office received a notification from the Justice Department, a copy of which is enclosed herewith, to the effect that Act No. 283 was approved for the purpose of the holding of referenda pursuant to Section 14-3701(a) thereof; the Justice Department also stated, however, that each county will have to submit the results of such referenda to it for approval. I direct your attention to the second paragraph of that letter wherein the Justice Department states, in effect, that counties which choose a new form of government, including a method of election, pursuant to Section 14-3701(b), i.e., without a referendum, will likewise have to submit that form and method of election to it for approval.

Since the August 28th communication, our office has received no further communication from the Justice Department concerning Act No. 283, although we have written for clarification as to whether those counties which, in essence, effect no change in their form of government, including method of election, by virtue of proceeding under Section 14-3701(b) of Act No. 283, will nonetheless be required to submit their form of government, including method of election, to it for approval. I believe that the newspaper article to which you refer in your letter is merely a delayed announcement of the August 28th communication from the Justice Department. That Department has, however, approved some forms of government for specific municipalities, e.g., Columbia's form of municipal government, because it effected no change, was found by that Department to be outside its authority to approve under Section 5 of the 1965 Voting Rights Act.

At this date, therefore, we can advise you only that Darlington County will have to submit to the Justice Department for its approval its form of government, including method of election, even if they are determined pursuant to Section 14-3701(b) of Act No. 283 of 1975.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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