

1974 WL 27146 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1974

**\*1 RE: No. 47—County**

Honorable J. Verne Smith  
State Senator  
P. O. Box 528  
Greer, South Carolina 29651

Dear Senator Smith:

Please excuse my delay in answering your inquiry concerning whether the Greenville County Council possesses the authority to reapportion itself into six single-member districts and three at-large positions.

While such an election scheme would be constitutionally permissible [see, e.g. McCain v. Lybrand, — F.2d —, cert. denied, — U.S. — (1974)], there is no statute of which we are aware that confers upon the Council the power to reapportion its membership by the enactment of an ordinance. Cf. 55 STAT. Act No. 573 § 9 at 1086 (1967), as amended. Moreover, the composition of the Council and the method of electing the members thereof are expressly prescribed by statute. See, 55 STAT. Act No. 573 § 3 at 1084 (1967), as amended. The Council, therefore, cannot by ordinance reapportion itself.

Kindest personal regards,

C. Tolbert Goolsby, Jr.

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