

1977 S.C. Op. Atty. Gen. 103 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-120, 1977 WL 24462

Office of the Attorney General

State of South Carolina

Opinion No. 77-120

April 26, 1977

*1 Senator John C. Land, III

State House

Columbia, South Carolina

Dear Senator Land:

In response to your request for an opinion from this Office as to the method of election for the members of the Clarendon County Council, my opinion is that the provisions of Act No. 1059 of 1972 (57 STAT. 2204 (1972)) prescribe the method by which they are to be elected, *i.e.*, one member is to be elected by the qualified electors of School District 1, one member is to be elected by the qualified electors of School District 3, two members are to be elected by the qualified electors of School Districts 2 and 2S and the chairman is to be elected by the county at large. The present Council was established by virtue of Section 14-3701(b), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), which provides, *inter alia*, that Clarendon County is to have the council-administrator form of county government beginning on July 1, 1976, if no Section 14-3701(a) referendum is held prior to that date. Along with the council-administrator form of county government, Section 14-3701(b) establishes for Clarendon County (and all other counties which are subject to its provisions) the method of electing county council members 'most nearly corresponding' to that in effect immediately prior to July 1, 1976. The method of election in effect immediately prior to July 1, 1976, in Clarendon County was that prescribed by Act No. 1059 of 1972. The South Carolina Supreme Court recently held that the 'most nearly corresponding' language of Section 14-3701(b) means *whatever* method of election was in effect in a county immediately prior to July 1, 1976, regardless of whether that method is a variation of the pure single member district method or the pure at large method. *See, Infinger et al. v. Edwards et al. and Dodds v. Stuckey, et al.*, Opinion No. 20396 (filed April 12, 1977).

Therefore, assuming that the United States Justice Department has approved Clarendon County's method of election pursuant to Section 5 of the 1965 Voting Rights Act, the members of the Clarendon County Council are to be elected pursuant to the provisions of Act No. 1059 of 1972.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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