

1978 WL 34996 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 25, 1978

*1 Mr. James L. White
County Administrator
County of Darlington
Darlington, SC 29532

Dear Mr. White:

Mr. McLeod has referred your recent letter to me for reply. You have enclosed a copy of a motion approved by the Darlington County Council and requested this Office advise you as to the validity of the motion. The motion states in part that

I move that in 1980 the Darlington County Council be elected from twelve single-member districts and that those then elected from even numbered districts be elected for four years and those from odd numbered districts be elected for two years; provided however, that those members of this Council whose terms do not expire in 1980 hold office until 1982.

It is my understanding that Darlington County is presently elected at large and the purpose of this motion would be to change the method of election to a single member plan.

South Carolina Code of Laws, 1976, Section 4-9-10(c) states in part that [a]fter the initial form, number and composition has been adopted and selected, the adopted form, number and composition shall not be changed for a period of two years from the date such form becomes effective and then only as a result of a referendum . . . Referendums may be called by the governing body or upon petition of not less than ten percent of the registered electors of the county . . .

Therefore, no change in the form, number or composition can be made for two years and then it must be done by a referendum. However, it has been the prior opinion of this Office that this provision does not authorize a county to change their method of election. (Opinion dated February 13, 1978, of Assistant Attorney General Karen LeCraft Henderson to Charles Porter, a copy of which is enclosed). Therefore, at this time, it would not be possible for Darlington County to change their method of election.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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