

1978 WL 35225 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 16, 1978

*1 Georgia M. Stuckey, Jr., Esquire
Lee County Attorney
Stuckey Building
Bishopville, South Carolina 29010

Dear Mr. Stuckey:

You have requested an opinion from this Office as to the meaning of the following language of [Section 4-9-90, CODE OF LAWS OF SOUTH CAROLINA](#), 1976:

In those counties where the members are elected for four year terms, such terms shall be staggered. If necessary, in the initial election for members one-half plus one of the members elected who receive the highest number of votes shall serve terms of four years and the remaining members elected shall initially serve terms of two years only.

Lee County Council members are elected for four-year terms from single-member election districts pursuant to Act No. 355 of 1977. 60 STAT. 991 (1977). Act No. 355 of 1977, in effect, repeats the language of [Section 4-9-90 of the Code](#) hereinabove quoted by providing:

One member of the county council shall be elected from each of the districts established in Section 1 for terms of four years except that of those initially elected in the general election of 1978 the three members elected receiving the smallest number of votes shall serve for two years only.

In my opinion, where staggered terms are mandated for county council members who are elected from single-member election districts, the way to determine those members who receive the highest number of votes is to determine which single-member election district has the largest number of voters voting for its council member. In the case of Lee County, the four council members who will serve four-year terms will come from the four single-member election districts with the largest number of votes cast for their respective council members. If there is no way to determine the votes of the respective single-member election districts, then my opinion is that the language of [Section 4-9-90](#) hereinabove quoted, especially the introductory phrase '[i]f necessary,' permits an alternative method for determining which four council members serve four-year terms. Alternate methods would include the seven council members choosing by lot or otherwise agreeing among themselves which of them are to serve four-year terms.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1978 WL 35225 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.