

1985 WL 259241 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1985

*1 The Honorable Isadore E. Lourie
Member
South Carolina Senate
Box 142
Columbia, South Carolina 29202

Dear Senator Lourie:

Mr. Medlock has referred your recent letter to me for reply. Your letter refers to this Office a letter written by Mrs. Elease O. Boyd, Chairman of the Richland County Board of Registration which seeks advice on the proper method of registering voters who live in areas newly annexed to a municipality.

Mrs. Boyd raises a very difficult question. This Office in 1979 issued an opinion on this question which Mrs. Boyd attaches to her letter. It was the opinion of the writer that the General Assembly by statute designates voting precincts but when they choose to not describe a geographic boundary for a precinct but instead use the city limits as the boundary of a precinct, the General Assembly ' . . . must have intended to allow this precinct to change with the limits of the city.' September 21, 1979, Opinion of James M. Holly to Ms. Nelle G. Power, page 2. (copy attached) This opinion would still be the opinion of this Office.

Before any changes can be made in the voting precincts of the voters who have been annexed into the city, the annexation, itself, and the accompanying change in the precinct lines and precinct maps should be submitted and precleared by the Justice Department pursuant to their Voting Rights Act review.

The General Assembly may want to look into enacting legislation which would further clarify this issue.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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