

1975 S.C. Op. Atty. Gen. 140 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4061, 1975 WL 22358

Office of the Attorney General

State of South Carolina

Opinion No. 4061

July 28, 1975

\*1 If Oconee County does not conduct a referendum on a form of county government by July 1, 1976, the members of the Oconee County governing body will continue, from that date, to be elected at large from the county.

TO: The Honorable William H. Ballenger  
Senator  
Oconee, Abbeville, Anderson and Pickens Counties

#### QUESTION PRESENTED

If Oconee County does not conduct a referendum on a form of county government by July 1, 1976, will the members of the Oconee County governing body continue, from that date, to be elected at large from the county?

#### CASES, STATUTES, ETC., INVOLVED

Act No. 555 of 1971 [57 STAT. Act No. 555 at 1047 (1971)]

Act No. 283 of 1975

#### DISCUSSION OF ISSUES

Pursuant to Section 14-3701(a) of Act No. 283 of 1975, the 'home rule' legislation, any county may conduct referenda to determine its form of county government and the method of electing the members of its county governing body by July 1, 1976. If no referendum on a form of county government is conducted by that date, then, pursuant to Section 14-3701(b) of the Act,

. . . the county concerned shall, beginning on that date, have the form of government including the method of election, . . ., most nearly corresponding to the form in effect in the county immediately prior to that date, which the General Assembly hereby determines to be as follows:

For the counties of . . ., Oconee, . . ., the council form of government as prescribed in Article 2 of this chapter.

\*\*\*

[Emphasis added.]

The present County Council was created in 1971 by Act No. 555 of that year; Section 2 of that Act provides that county council members are to be elected at large from the county, 57 STAT. Act No. 555 § 2 at 1047 (1971). According to the language hereinabove underlined, therefore, the Oconee County council members will continue to be elected at large from the county if Oconee County's future form of government is determined by Section 14-3701(b).

Section 14-3706 of Act No. 283 does not change this result because it expressly provides that county council members shall be elected from single member election districts only if not otherwise determined under Section 14-3701(a) or Section 14-3701(b). Section 14-3706 would mandate single member election districts, if, for example, Oconee County were to conduct a referendum on a form of county government but not on a method of election; Section 14-3706 does not, however, mandate single member election districts if Oconee County's form of government, including its method of election, is otherwise determined by Section 14-3701(b).

### CONCLUSION

The opinion of this office is, therefore, that if Oconee County does not conduct a referendum on a form of county government by July 1, 1976, the members of the Oconee County governing body will continue, from that date, to be elected at large from the county.

Karen LeCraft Henderson

\*2 Assistant Attorney General

1975 S.C. Op. Atty. Gen. 140 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4061, 1975 WL 22358

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.