

ARTICLE VII
COUNTIES AND COUNTY GOVERNMENT

SECTION 1. Formation of new counties; county seats and names.

The General Assembly may establish new Counties in the following manner: Whenever one-third of the qualified electors within the area of each section of an old County proposed to be cut off to form a new County shall petition the Governor for the creation of a new County, setting forth the boundaries and showing compliance with the requirements of this Article, the Governor shall order an election, within a reasonable time thereafter, by the qualified electors within the proposed area, in which election they shall vote "Yes" or "No" upon the question of creating said new County; and at the same election the question of a name and a County seat for such County shall be submitted to the electors.

SECTION 2. Section of old county to be cut off.

If two-thirds of the qualified electors voting at such election shall vote "Yes" upon such questions, then the General Assembly at the next session shall establish such new County: Provided, No section of the County proposed to be dismembered shall be thus cut off without consent by a two-thirds vote of those voting in such section; and no County shall be formed without complying with all the conditions imposed in this Article. An election upon the question of forming the same proposed new County shall not be held oftener than once in four years.

SECTION 3. Inhabitants; taxable property; area of new county.

No new County hereafter formed shall contain less than one one-hundred and twenty-fourth part of the whole number of inhabitants of the State, nor shall it have less assessed taxable property than one and one half million of dollars as shown by the last tax returns, nor shall it contain less area than four hundred square miles.

SECTION 4. Area, taxable property, and inhabitants of old county.

No old County shall be reduced to less area than five hundred square miles, to less assessed taxable property than two million dollars, nor to a smaller population than fifteen thousand inhabitants.

SECTION 5. Eight-mile limit.

In the formation of new Counties no old County shall be cut within eight miles of its courthouse building.

SECTION 6. Indebtedness.

All new Counties hereafter formed shall bear a just apportionment of the valid indebtedness of the old County or Counties from which they have been formed.

SECTION 7. Alteration of county lines.

The General Assembly shall have the power to alter County lines at any time: Provided, That before any existing County line is altered the question shall be first submitted to the qualified electors of the territory proposed to be taken from one County and given to another, and shall have received two-thirds of the votes cast: Provided, further, That the change shall not reduce the County from which the territory is taken below the limits prescribed in Sections 3, 4 and 5 of this Article: Provided, That the proper proportion of the existing County indebtedness of the section so transferred shall be assumed by the County to which the territory is transferred.

SECTION 8. Removal of county seat.

No County Seat shall be removed except by a vote of two-thirds of the qualified electors of said County voting in an election held for that purpose, but such election shall not be held in any County oftener than once in five years.

Editor's Note

The present provisions of this section are similar to Section 6 of Article VIII, which further provides that no county seat shall be established unless a majority of the electors voting on the question shall vote therefor.

SECTION 9. Election district; body corporate.

Each County shall constitute one election district, and shall be a body politic and corporate.

SECTION 10. Consolidation of two or more counties.

The General Assembly may provide for the consolidation of two or more existing Counties if a majority of the qualified electors of such Counties voting at an election held for that purpose shall vote separately therefor, but such election shall not be held oftener than once in four years in the same Counties.

Editor's Note

This section should be read in conjunction with Section 4 of Article VIII, which provides for the merger of adjoining counties, and with Section 5 of Article VIII, which provides for the merger of a part or parts of a county with one or more adjoining counties.

SECTION 11. Townships; body corporate; township and county government.

Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic and corporate, but this shall not prevent the General Assembly from organizing other townships or changing the boundaries of those already established; and the General Assembly may provide such system of township government as it shall think proper in any and all the Counties, and may make special provisions for municipal government and for the protection of chartered rights and powers of municipalities: Provided, That this Section shall not apply to the following townships in the following Counties: Dunklin and Oaklawn in the County of Greenville; the Townships of Cokesbury, Ninety Six and Cooper, in the County of Greenwood; Sullivan Township, in the County of Laurens; Huiett and Pine Grove, in the County of Saluda. That the corporate existence of said townships be, and the same is hereby, destroyed, and all officers under said townships are abolished, and all corporate agents removed. (1902 (23) 1227; 1903 (24) 3.)

SECTION 12. Boundaries of counties; boundaries of Saluda and Edgefield.

Until changed by the General Assembly, as allowed by this Constitution, the boundaries of the several counties shall remain as now established, except that the boundaries of the County of Edgefield shall undergo such changes as are made necessary by the formation of a new County from a portion of Edgefield, to be known as Saluda, the boundaries of which are set forth in a Constitutional Ordinance. The election ordered in said ordinance for the location of its County seat shall be held under the Constitution and laws now of force. And the General Assembly shall provide for the assessment of property in the County of Saluda for the fiscal year beginning January first, eighteen hundred and ninety-six, and for the collection of said taxes when assessed.

Editor's Note

The present provisions of this section are somewhat similar to Section 2 of Article VIII.

SECTION 13. Judicial and Congressional districts; voting precincts.

The General Assembly may at any time arrange the various Counties into Judicial Circuits, and into Congressional Districts, including the County of Saluda, as it may deem wise and proper, and may establish or alter the location of voting precincts in any County.

SECTION 14. County line through city or town.

Hereafter no County lines shall be so established as to pass through any incorporated city or town of this State.

SECTION 15. Regional councils of government.

The General Assembly may authorize the governing body of a county or municipality, in combination with other counties and municipalities, to create, participate in, and provide financial support for organizations to study and make recommendations on matters affecting the public health, safety, general welfare, education, recreation, pollution control, utilities, planning, development and such other matters as the common interest of the participating governments may dictate. Such organizations, which shall be designated regional councils of government, may include political subdivisions of other states. The studies and recommendations by such organizations shall be made on behalf of and directed to the participating governments and other governmental instrumentalities which operate programs within the jurisdiction of the participating governments.

The legislature may authorize participating governments to provide financial support for facilities and services required to implement recommendations of such organizations which are accepted and approved by the governing bodies of the participating political subdivisions. Such organizations shall not have the power to levy taxes. Local funds for the support of such organizations shall consist of contributions from the participating political subdivisions as may be authorized and granted by their respective governing bodies. The prohibitions against dual office holding contained in Section 2 of Article 2 and Section 24 of Article 3 of this Constitution shall not apply to any elected or appointed official or employee of government who serves as a member of a regional council. (1970 (56) 2679; 1971 (57) 72.)

Editor's Note

Section 2 of Article II of the Constitution, referred to in this section, which contained prohibitions against dual office holding, was transferred and renumbered as Section 1A of Article XVII by amendment ratified by 1971 Act No 277 (1971 (57) 319).