

1976 WL 30461 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 11, 1976

*1 Representative Cecil Sandifer
State House
Columbia, South Carolina

Dear Representative Sandifer:

You have requested an opinion from this Office as to whether or not the filing as a candidate for the position of county supervisor in Oconee County in order to run in the June 8, 1976, primary should be reopened now that that County has chosen the council-supervisor form of county government in a referendum held pursuant to Section 14-3701(a) of Act No. 283 of 1975, the 'home rule' legislation. In my opinion, the filing need not be reopened.

At the time of the original filing as a candidate for the position of county supervisor in March, 1976, Oconee County had not yet held a referendum and, therefore, was scheduled to assume the council form of county government on July 1, 1976, pursuant to Section 14-3701(b) of Act No. 283. The council form does not provide for the position of county supervisor [see, § 14-3720 of Act No. 283] and, consequently, a candidate who filed for that position in Oconee County in March ran the risk of campaigning for and being nominated to a position which he would not have been able to assume had Oconee County not chosen the council-supervisor form of county government. Now that Oconee County has chosen that form, those persons who filed in March as candidates for the position of county supervisor are assured of running for an office that one of them will be able to win and assume. Any persons who may now wish to file for that position were on notice in March, 1976, as to the status of that position and how that status could change depending on the holding of, as well as the results of, a referendum called pursuant to Section 14-3701(a) of Act No. 283. There is no requirement of which I am aware that would necessitate reopening the filing for the position of county supervisor in the circumstances hereinabove outlined.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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