

1976 WL 30460 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 11, 1976

*1 Representative H. Keith Vanderford
State House
Columbia, South Carolina

Dear Representative Vanderford:

You have requested an opinion from this Office on several matters relating to Union County and to the provisions of Act No. 283 of 1975, the 'home rule' legislation. I shall respond to them in the order in which they were posed:

1. The present Union County Supervisor will not have to run for re-election before his term expires in November, 1978. Sections 14-3701(a) and 3(3)(a) of Act No. 283 expressly provide that the members of present governing bodies, including supervisors, are to continue to serve the terms for which they were elected even after the date on which the new form of county government becomes effective. When he does run in 1978, he will run at large from the County pursuant to Section 14-3730 of the Act, notwithstanding the fact that Union County has by referendum selected the single member method of election. In this regard, I call your attention to an earlier opinion to you dated March 19, 1976, advising that Union County is still under the method of election ordered by United States District Judge Sol Blatt, Jr., in June, 1974, and must petition that Court for relief from the provisions of its order.

2. Inasmuch as the present Supervisor will not have to run for re-election in November, 1976, because his present term does not expire until November, 1978, he will continue as Supervisor until November, 1978, and, in our opinion, the new duties, powers and functions of the supervisor under the council-supervisor form will devolve upon him. I am enclosing herewith a copy of an earlier opinion on the question of the present supervisor stepping into the position of the supervisor under the council-supervisor form, which opinion contains a more detailed discussion of the matter.

3. Since, in our opinion, the present Supervisor becomes the supervisor under the council-supervisor form until his term expires, your third question requires no answer.

With kind regards,

Karen LeCraft Henderson
Attendant Attorney General

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