

1972 WL 25265 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1972

\*1 Honorable F. Hall Yarborough

Messrs. Bryant, Fanning & Yarborough  
Attorneys at Law  
Post Office Box 1265  
Orangeburg, South Carolina 29115

Dear Hall:

Thank you for your letter of March 29 posing first the question of the qualifications of Town Clerk for the Town of Santee.

Santee was originally chartered May 20, 1949, under provisions of law which are now codified as Section 47-101. The 1970 census indicates that its population was 137 and it is, therefore, governed by the same provisions of law under which it was chartered. These provisions do not specifically refer to the Clerk of the Town, although provisions for the Clerk are found in statutory provisions relating to towns of higher populations. In my opinion, therefore, there are no fixed qualifications for the Clerk but these will be determined by ordinance or resolution of the governing body of the Town, which can fix the qualifications, as well as prescribe the general duties to be performed by the Clerk.

You additionally inquire as to whether the fact that the proposed Clerk is the wife of one of the Councilmen would disqualify her. In my opinion, it will not, although the Town may, if it wishes, provide by ordinance for an antinepotism measure. The State statute does not reach municipal affairs. Therefore, in the absence of any ordinance to the contrary, the wife of a Councilman may serve as Clerk. It is solely a matter which is vested in the discretion of the Town Clerk.

With best regards,  
Cordially,

Daniel R. McLeod  
Attorney General

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