



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

October 11, 2005

The Honorable Vida O. Miller  
Member, House of Representatives  
P. O. Box 3157  
Pawleys Island, South Carolina 29585

Dear Representative Miller:

This office issued an opinion dated September 6, 2005 to the Georgetown County Attorney which dealt with the question of the authority of the Georgetown County Administrator over the employees of the Georgetown County Board of Elections and Registration ("the Board"). It was assumed that for purposes of the opinion that the appointment authority for the Board was the Georgetown County legislative delegation. Such was consistent with Act No. 200 of 2005 which indicated that appointments to the Board were to be made as provided in Act No. 591 of 1994. That Act provided that members of the Board were to be appointed by the Governor upon the recommendation of the Georgetown County legislative delegation. For reasons stated in the September 6 opinion, this office concluded that the county administrator would have no authority over the employees of the Board.

You have asked that we review the opinion especially considering the language in Act No. 591 which states in subsection (3) that

Members of the board shall receive compensation as may be appropriated by the General Assembly, which may be supplemented by the county governing body, and any staff support for the board shall be assigned and paid as directed by the county governing body. (emphasis added).

Based upon my review of the referenced provision, I see no basis to reach a conclusion contrary to that of the earlier opinion. In my opinion, the quoted provision should be construed to indicate that the county governing body is responsible for the allocation of staff and the compensation of that staff but would have no other authority over the staff, such as supervisory authority or decisions regarding hiring and firing. That conclusion is also supported by a prior opinion of this office dated April 6, 1989, a copy of which is enclosed, which concluded that a county election commission would have the authority to hire and fire a clerk or other employees of a county election commission.

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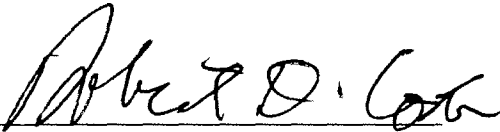
If there is anything further, please advise.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General

cc: John M. Tolar, Esquire  
Georgetown County Attorney  
Post Office Box 421270  
Georgetown, South Carolina 29442