

1981 WL 158054 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 25, 1981

*1 C. W. F. Spencer, Jr., Esquire

Spencer & Spencer, P. A.
Post Office Box 790 C.S.S.
Rock Hill, South Carolina 29730

Dear Mr. Spencer:

I am receipt of your recent letter in which you stated that the City of Rock Hill is planning to hold a special election for annexation purposes. You have inquired if the statutory provisions of [Section 5-3-60](#) or [7-13-35 of the South Carolina Code of Laws, 1976](#), would govern the time requirements for giving a notice for this election.

There is no clear-cut answer to this question. [Section 7-13-35](#) was enacted in 1978 and as it is the last enactment regarding notices it would generally supersede all conflicting laws. However, it is always presumed that the legislature is familiar with prior legislation dealing with the same subject. [Bell v. South Carolina Highway Department, 204 S.C. 462, 30 S.E.2d 65 \(1944\)](#). Further statutes should be read in pari materia and reconciled, if possible, to render both operative. [Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 \(1970\)](#).

[Section 7-13-35](#) specifies that notices of general and special elections shall be published by the county election commission. Therefore, in any election conducted by the county election commission it would appear that the county election commission should follow these statutory notice requirements. Whenever there is a conflicting notice provision and whenever possible, it would be advisable to give the statutory notice requirement of [Section 7-13-35](#) and whatever specific notice requirements that are specified for the election being held. This procedure should avoid any possible problems with the notice of the election.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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