

1977 S.C. Op. Atty. Gen. 121 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-145, 1977 WL 24487

Office of the Attorney General

State of South Carolina

Opinion No. 77-145

May 9, 1977

\*1 Honorable Melvin E. Nunnery  
Representative  
District No. 44  
Chester County Courthouse  
Chester, SC 29706

Dear Representative Nunnery:

On May 6, 1977, I received a copy of a letter sent to you from William T. Hunter. You have requested us to write an opinion on the questions that he raised. Specifically, he has asked the following questions:

1. Is the county election commission the determining authority as to the legality of a county petition?

Yes. South Carolina Code of Laws, 1962, as amended, Section 23-400.16 states that a candidate's nominating petition . . . shall be certified . . . with the county election commission in the case of a countywide or less than countywide offices with the exception of municipal offices . . .

2. Is section 23-400.16:1, Code of Laws of South Carolina, the processing procedure, or applicable statute to be used in processing Home Rule Act Petitions?

Yes.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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