

1976 WL 30638 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1976

\*1 William R. Byars, Jr., Esquire  
County Attorney  
P. O. Box 590  
Camden, South Carolina 29020

Dear Mr. Byars:

In response to your request for an opinion as to whether the Kershaw County Council or the local legislative delegation is the proper body to approve the authorization of the deputy probate judge to serve for a period in excess of thirty days, the opinion of this office is that the local legislative delegation is the proper body to make such approval, pursuant to Section 15-412.1, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.). Section 14-2459(16) of the Code [see, 54 STAT. 2214 (1966)] refers to the transfer of certain 'appointive' and 'recommendatory' powers from the local legislative delegation to the Kershaw County Council and, in my opinion, does not include within its purview a transfer of the authority to approve the designation of a deputy probate judge beyond a thirty-day period.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

**ATTACHMENT**

**SAMPLE BALLOT**

**INSTRUCTIONS:**

**PLEASE READ ALL INSTRUCTIONS BEFORE VOTING:**

Only one lever may be pulled. You may vote to keep the present form by pulling either 'NO' lever. You may vote to change to one of the two proposed forms by pulling the appropriate 'YES' lever. You must pull only one lever for your vote to count.

1) TO VOTE TO KEEP the Council-Manager form (present form) pull either 'NO' lever at right.

SHALL THE MUNICIPALITY OF FOLLY BEACH CHANGE ITS FORM OF GOVERNMENT FROM COUNCIL-MANAGER TO:

2) TO VOTE TO CHANGE FROM Council-Manager form to Council form pull the 'YES' lever opposite the word 'Council'.  
COUNCIL YES NO

3) TO VOTE TO CHANGE FROM Council-Manager form to Mayor-Council form pull the 'YES lever opposite the words 'Mayor-Council.'  
MAYOR-COUNCIL YES NO

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