

1979 WL 43136 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1979

*1 Honorable Michael S. Gullledge
Member
House of Representatives
Post Office Box 339
Abbeville, South Carolina 29620

Dear Representative Gullledge:

In response to your request for an opinion from this Office concerning the status of the Abbeville County Supervisor, my opinion is that that office ceases to exist upon the expiration of the term of office of the individual holding that office at the time the council form of county government became effective in Abbeville County.

The Abbeville County Supervisor's office and duties are provided for by Act No. 32 of 1973, which also established a board of commissioners as the governing body of Abbeville County. 58 STAT. 28 (1973). The provisions of Act No. 283 of 1975, the 'home rule' legislation, however, have superseded that special act and Abbeville County now operates under the council form of county government. Although the 'home rule' legislation does state that 'all county officials whose offices were elective . . . on the effective date of this act, shall continue to be elected after one of those forms is adopted, unless the council shall otherwise provide by ordinance' [59 STAT. 692, Section 4 at 717 (1975)], that language does not apply to those offices which are not contemplated as continuing under any of the forms of 'home rule' government. The South Carolina Supreme Court has recently held that the office of county supervisor as it existed before 'home rule' is one of those offices which are not intended to continue once 'home rule' becomes effective in a county. Hardy v. Francis (Opinion No. 210611 filed October 10, 1979).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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