

1975 S.C. Op. Atty. Gen. 262 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4219, 1975 WL 22516

Office of the Attorney General

State of South Carolina

Opinion No. 4219

December 19, 1975

*1 Paul Gelegotis
Representative
c/o James Island Piggly Wiggly
1739 Maybank Highway
Charleston, South Carolina 29412

Dear Representative Gelegotis:

You have requested an opinion from this office as to when an election can be held pursuant to Section 47–21 of Act No. 283 of 1975, the “home rule” legislation. Section 47–21 provides in part as follows:

... If a petition executed by fifteen percent of the qualified electors is presented to the municipal governing body, ..., for an election to determine or change the form of government, the municipal governing body shall conduct a special election not later than ninety days nor earlier than thirty days after receipt of the certified petition and pursuant to the questions proposed in the petition. (Emphasis added.)

Inasmuch as Section 47–21 expressly requires that any election conducted pursuant to a properly certified petition be conducted not later than ninety days nor earlier than thirty days after receipt of such a petition, my opinion is that the original form of government selected by the municipal governing body by ordinance, which form of government the election pursuant to Section 47–21 is intended to change, need not be submitted to the United States Justice Department before the election to change the original form of government is conducted.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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