

1974 WL 27698 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1974

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Douglas and Douglas
Attorneys at Law
Winnsboro, South Carolina

Dear Mr. Douglas:

Thank you for your letter of April 1, 1974, concerning whether or not the power to make recommendations for Election Commissioners has been devolved upon the Fairfield County Council.

Your question arises due to the language of the act creating the Fairfield County Council [1968 (55) 2357] which devolves the power of appointment and recommendations previously exercised by the Senator and Representatives upon the County Council; however, this act was amended in 1971 [1971 (57) 59] and now reads as follows:

17. To exercise all powers of appointment and recommendations for appointment which were exercised by the Senator and members of the House of Representatives representing the county, the Senate, or the county legislative delegation prior to the effective date of this act except for the school board of trustees and those provided for in the constitution and those provided for by general law. (emphasis added)

South Carolina Code of Laws, 1962, as amended, § 23-400 states in part:

For the purpose of carrying on general or special elections provided for in § 23-391 the Governor shall, at least thirty days prior to any such election, appoint for each county no less than three nor more than five commissioners of election upon the recommendation of the Senator and at least half of the members of the House of Representatives from the respective counties.

Therefore, as the appointment of Commissioners is provided for by general law, the recommendation should still be received from the Senator and Representatives of Fairfield County.

Sincerely,

Treva Ashworth
Staff Attorney

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