

1973 WL 26593 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 1, 1973

\*1 Honorable James B. Brandt

Member

House of Representatives

Allendale County

The State Capitol

Columbia, South Carolina

Dear Mr. Brandt:

You have inquired as to whether an advisory election may be held for the purpose of determining the nominee to be submitted to the Governor to fill a vacancy on the Allendale County Board of Directors, occasioned by the recent death of a member.

The statute (Section 14-812, Code of Laws 1962, as amended by Act No. 29, approved February 11, 1967) provides:

Any vacancy occurring on the Board shall be filled by appointment (on recommendation of the Legislative Delegation) for the unexpired term only.

It is my opinion that public funds may not be utilized for the purpose of holding such an advisory election. The same conclusion was heretofore reached in a similar situation arising in Bamberg County.

I, therefore, advise that in my opinion the vacancy shall be filled by appointment in the manner prescribed in the statute and that public funds may not be utilized for holding an advisory election to obtain guidance as to the nomination to be submitted to the Governor.

With kindest regards.

Very truly yours,

Daniel R. McLeod

Attorney General

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