

1977 WL 37192 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1977

\*1 A. Ray Godshall  
Attorney at Law  
P.O. Box 66  
Gaffney, SC 29340

Dear Mr. Godshall:

This letter is to confirm our telephone conversation of today. You have inquired if Gaffney can conduct an election under the provisions of South Carolina Code of Laws, 1962, as amended, § 59-189, or if they are governed now by the provisions of Municipal Home Rule.

Section 7 of the Home Rule Act [1975 (59) 743] states in part

All provisions of Chapter 4, Title 59, of the 1962 Code and all other laws pertaining thereto shall remain in full force and effect. Except for the foregoing, all other municipal laws in effect prior to the effective date of this act which are in conflict with the provisions contained herein are superseded by this act ...

The provisions governing the nominations for election to the Gaffney Board of Public Works is found within Chapter 4 of Title 59. Therefore, the provisions governing nomination, as provided in Section 59-189, would still be the controlling law on the nomination procedure. The election should be conducted under the provisions of the Home Rule Act, in all particulars that are not otherwise governed by procedures established in Chapter 4 of Title 59.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

1977 WL 37192 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.