

1973 S.C. Op. Atty. Gen. 19 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3448, 1973 WL 20913

Office of the Attorney General

State of South Carolina

Opinion No. 3448

January 12, 1973

*1 The Honorable Marie J. Black
Judge of Probate
Barnwell County
Post Office Box 233
Barnwell, South Carolina 29812

Dear Judge Black:

Thank you for your letter of January 9, 1973, reading as follows:

‘Please let me have your legal opinion as to whether or not an elected officeholder for any County can obtain the required bond from whomsoever they wish, or whether the County Board of Commissioners have the right to obtain the bond for the elected officer contrary to the wishes of the elected officer.’

There are different provisions of law with respect to different offices, and they vary from county to county. In Barnwell County I find no specific statute covering this particular point; therefore, it appears to me that the general law must be considered controlling.

The statute requires that the judges of probate furnish appropriate security. It is my view that if the county pays the cost of an elected officer's bond, then the county has the authority to procure the bond from whomever it wishes. If the individual bears the cost of the bond, he may obtain it from whomever he desires.

Very truly yours,

Daniel R. McLeod
Attorney General

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