

1979 WL 42839 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 5, 1979

*1 The Honorable Thomas E. Smith, Jr.
Senator—Senatorial District No. 11
Box 308
Pamplico, South Carolina 29483

Dear Senator Smith:

You have asked the opinion of this Office on whether a run-off is necessary if a candidate for a seat on the Board of Trustees of School District Number 2 in Florence County does not receive a majority vote on the first ballot.

Act Number 1607 of the 1972 Acts and Joint Resolutions provides that the school district trustees in Florence County are to be elected by ‘a majority vote of the qualified electors present at the annual meeting. . . .’ [Emphasis (Added)] In the event there are more than two candidates for a seat on a district board of trustees, and none of them receives a majority vote of the qualified electors present at the annual meeting on the first ballot, the Act’s language requiring a majority vote would by direct implication necessitate some form of run-off in order to execute its mandate. ¹ See [State v. Cain](#), 78 S.C. 348, 351, 58 S.E. 937. Any other interpretation would lead to unintended and possible irrational complications.

Although the Act does not provide the procedures for conducting a run-off at the annual meeting, some guidance may be found in certain sections of the Code of Laws of South Carolina, 1976, as amended, which deal with similar majority vote situations. Sections 5-15-62(b)(1) and 7-13-50 state that the run-offs provided for therein shall be conducted between the two candidates receiving the largest number of votes in the initial ballot. Whatever run-off procedure is utilized, the winner of it must receive a ‘majority vote of the qualified electors present at the annual meeting.’

Based on the foregoing reasons, it is the opinion of this Office that a run-off would be required by Act 1607 if on the first ballot none of the more than two candidates for a seat on the Board of Trustees of School District Number 2 receive a majority vote of the qualified electors present at the annual meeting of the School District.

Sincerely yours,

James M. Holly
State Attorney

Footnotes

¹ No authority on this specific issue was located.

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