

The State of South Carolina

5061 -
Lubray



Office of the Attorney General

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February 19, 1993

William K. Charles, III, Esquire
Charles & Charles
Attorneys and Counselors at Law
Post Office Box 276
Greenwood, South Carolina 29648

Dear Mr. Charles:

You have sent this Office a copy of a letter you wrote Steve Brown regarding a municipal election that will be held in the City of Greenwood. You have requested this Office to review your letter and advise you if we disagree with your conclusions.

You have stated that a member of the City Council has resigned. You have concluded that S.C. Code §7-13-190 (1992 Supp) would control the filling of this vacancy and have referenced the municipal ordinances of Greenwood. I would agree that Section 7-13-190 is the general law regarding filling vacancies in an office but I, of course, would not know how this provision may interact with any municipal ordinances that Greenwood may have enacted, as this Office does not have access to these ordinances.

I would disagree with your statements in the third paragraph of your letter regarding the combining of a regular and a special election. You state that Section 7-13-190(D) requires separate special elections for any special election held within twenty-eight (28) days. The statute actually provides for all special elections that are to be held within twenty-eight (28) days to be conducted on one date. The statute reads in part

... if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty-eight days under the provisions of this section, the election commission or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must

REQUEST LETTER

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February 19, 1993
Page 2

be held on the latest date required for an
election during the twenty-eight day period.
(Emphasis Added)

There is no general prohibition to holding a regular and a special election on the same date as long as separate books are maintained, etc. However, if either the regular election date or the special election date is changed, it would be a change that would require a Voting Rights Act review and preclearance by the Justice Department prior to the holding of the election on a new and unprecleared date.

Very truly yours,




Treva G. Ashworth
Senior Assistant Attorney General


TGA:bvc

cc: James F. Hendrix, Deputy Director

REVIEWED AND APPROVED BY:



EDWIN E. EVANS
Chief Deputy Attorney General



ROBERT D. COOK
Executive Assistant for Opinions