

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

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April 3, 1990

The Honorable Stephen M. Creech
Mayor of Sumter
Post Office Box 1449
Sumter, South Carolina 29151

Dear Mr. Creech:

Mr. Medlock has referred your recent letter to me for reply. You have stated that the Sumter County Election Commission has questioned their authority to conduct municipal elections and to merge the books for a municipal and county election. You have inquired if the Sumter County Election Commission would have this authority.

South Carolina Code of Laws, 1976, Section 5-15-90 states in part that

[a]ll municipal elections held under the provisions of this chapter shall be conducted by a Municipal Election Commission.

Section 5-15-100 provides that

[t]he Municipal Election Commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration ... and shall also have the functions, powers and duties of commissioners of election, as set forth in Section 7-13-70 and other provisions of Title 7. The Municipal Election Commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall certify the results

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of the election to the commission within one day and the commission shall declare the results not later than three days following the election.

These statutes clearly indicate that the municipal election commission is statutorily charged with conducting a municipal election. There is no authority for a county election commission to conduct a municipal election or to merge the registration books on the day of the general election. The elections would be entirely separate and would require separate books, separate managers, etc. I am enclosing a copy of a previous opinion of this Office dated January 9, 1980, which reaches the same conclusion.

Very truly yours,

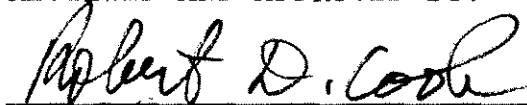


Treva G. Ashworth
Senior Assistant Attorney General

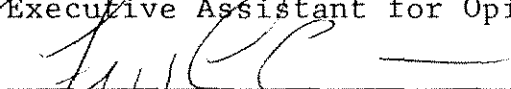
TGA:bvc
Enclosure

cc: The Honorable Joseph T. McElveen, Jr.

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Executive Assistant for Opinions



EDWIN E. EVANS
Chief Deputy Attorney General