

1983 WL 182055 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 15, 1983

*1 Mr. James L. Solomon, Jr.
Member
Richland County Council
P. O. Box 192
Columbia, South Carolina 29202

Dear Jim:

You have inquired as to the timing of an election that would have to be held if you should resign your position as a member of the Richland County Council.

South Carolina Code of Laws, 1976, as amended, Section 4-9-90, provides in part that [v]acancies on the governing body shall be filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election.

It is our understanding that the next general election in Richland County will be held in November of 1984. If you should resign your office as a member of the County Council within the near future, the office would have to be filled by a special election.

The time for the election must be set with certain time limits in mind. A political party convention must be advertised in a newspaper for at least three weeks, Section 7-11-30; a political party primary must, likewise, be advertised with sufficient notification for persons to file for office—at least one to two weeks; time must be allotted for campaigning; time has to be allotted for the possibility of a runoff which must be held within two weeks of the first primary, Section 7-17-50, *et seq.*; and, petition candidates, primary candidates, and convention candidates must be certified as candidates thirty days before the election. Section 7-13-350, as amended by 1976 (59) 1702.

As this is a special election to fill a vacancy created by resignation or removal from office, the sixty day notice requirement of Section 7-13-35 would not apply.

The date for the election would, therefore, be approximately three months from the date of announcing the election. If no primary is held, the time would, of course, be substantially shortened.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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