

1983 WL 181977 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1983

*1 The Honorable William W. Doar, Jr.
Member
South Carolina Senate
Post Office Box 418
Georgetown, South Carolina 29440

Dear Senator Doar:

Your recent letter addressed to Mr. Medlock has been referred to me for reply. You have stated in your letter that there exists a vacancy on the Georgetown County Board of Education. You have inquired if a special election can be held at the same time as a regularly scheduled municipal election.

There is no prohibition to holding these two elections on the same day. However, the special election for the vacancy on the County Board of Education will, of course, have to be held county-wide on that date. As this will be a county election and a municipal election it will be necessary for there to be two separate registration lists, managers, etc. This will be necessitated because a municipal election commission cannot conduct a county election.

The General Assembly has established separate election processes for municipal elections and for federal, state and county elections and has provided separate county and municipal election commissions. SOUTH CAROLINA CODE OF LAWS, 1976, Sections 5-15-90, 5-15-100, 7-13-10, 7-13-70. The poll managers appointed by these separate commissions are also limited in their responsibilities. SOUTH CAROLINA CODE OF LAWS, 1976, Sections 5-15-100, 7-13-70. There are no statutory procedures that authorize municipal and county election commissions to appoint the same poll managers or authorize county and municipal poll managers to serve in a combined election.

Therefore, the election can be held on the same day but will have to be conducted separately.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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