

1983 WL 181918 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1983

*1 Woodford S. Montgomery
Chairman
Island Incorporation Commission
Post Office Box 1692
Hilton Head Island, South Carolina 29925

Dear Mr. Montgomery:

I am in receipt of your recent letter. You have stated that it has been determined that the first Hilton Head election shall be held under the provisions of SOUTH CAROLINA CODE OF LAWS, 1976, Section 5-15-61, rather than the provisions of Section 5-15-62. You have requested an opinion as to the legal sufficiency of your decision.

Section 5-1-50, as amended, requires that this initial election shall be conducted in a nonpartisan method. Section 5-15-61, which you have chosen to follow, provides that the non-partisan election shall be decided by plurality vote.

General law provides that in a general election, a person will be elected to office by a plurality of the votes. Therefore, the procedure you have chosen most nearly conforms to the general law. See 29 C.J.S. Elections, § 241.

The reasons you have set out for deciding to follow the non-partisan plurality method show additional compelling reasons for your choice.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

1983 WL 181918 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.