

1982 WL 189160 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 8, 1982

*1 William L. Howard, Esquire
Belk, Howard & Cobb
Post Office Box 71121
Charleston, South Carolina 29405

Dear Mr. Howard:

I am in receipt of your recent letter. You have stated that the Town of Mt. Pleasant is holding an election to fill a vacancy in the town council. You have further stated that an annexation petition has been filed with the Town and the Town would like to hold this special election on the same day as the scheduled special election. You have inquired if this procedure would be authorized and if the election to fill a vacancy is a special or municipal election.

If a vacancy occurs on a city council one hundred eighty (180) days or more prior to a general election, that vacancy is filled by a special election. If the vacancy occurs less than one hundred eighty (180) days before a general election, the vacancy is filled at the general election. South Carolina Code of Laws, 1976, § 5-7-200(b). I assume from what you have told me that the municipal election is a special election.

There is no prohibition to holding two special elections on the same day. However, as an annexation election has very specialized laws that apply to this type of election, all of these requirements would have to be met. This would include the different notice requirements, separate ballot boxes and probably even separate poll lists. See in general South Carolina Code of Laws 1976, § 5-3-50, et seq.

As long as the separate requirements for the two elections are met, there would be no problem in holding the two elections on the same day.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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