

1982 WL 189202 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 11, 1982

*1 The Honorable Dill Blackwell
District No. 17-Greenville County
Route 5
Box 238
Travelers Rest, SC 29690

Dear Representative Blackwell:

You have requested an opinion as to the meaning of the phrase ‘regular election’ as it is used in [§ 4-9-1230, Code of Laws of South Carolina](#), 1976 (as amended). This statute provides that if the county council fails to adopt an ordinance proposed by an initiative petition, it shall submit the question to the electors not less than 30 days nor more than one year from the date that the council fails to adopt the ordinance. It provides further that ‘[t]he council may . . . if no regular election is to be held within such period, provide for a special election.’ (Emphasis added.) It is the opinion of this Office that the phrase ‘regular election’ refers to a general election and not a primary election.

Although this question has not been addressed by the State Supreme Court, other state courts have considered this matter and have held that a ‘regular election’ does not include a primary election. [Millard ex rel. Reuter v. City of Bay City](#), 54 N.W.2d 635, 636 (Mich., 1948); [People ex rel Moore v. Holzman](#), 125 N.E.2d 498, 499 (Ill., 1955). This conclusion seems proper here in that a primary election is not an election conducted by the county, but rather is conducted by the several political parties involved. For these reasons, it is the opinion of this Office that the phrase ‘regular election’ refers to a general election and not to a primary election.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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