

1980 WL 120613 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1980

\*1 The Honorable Charles Ross

Mayor

Town of Lincolnville

P. O. Box 536

Summerville, SC 29843

Dear Mayor Ross:

Mr. McLeod has referred your recent letter to me for reply. You have stated that the Town of Lincolnville is having an election on April 2, 1980 to elect a mayor and three councilmen. You have further stated that two councilmen have resigned their seats on council. You have inquired if a special election must be called to fill the two offices that have been resigned or if these offices can be filled in the April election.

South Carolina Code of Laws, 1976, Section 5-7-200(b) states that

[a] vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election.

You have not stated the date of the resignation of the two councilmen. Pursuant to the above-cited Code provision, if the resignation occurred more than one hundred eighty (180) days before the next regular election in April, it would be necessary to call a special election to fill the positions.

Yours very truly,

Treva G. Ashworth

Senior Assistant Attorney General

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