

1977 WL 37197 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 13, 1977

*1 T.H. Rawl, Jr.
County Attorney
Lexington County
P.O. Box 856
Lexington, SC 29072

Dear Mr. Rawl:

Your recent letter addressed to Mr. McLeod has been referred to me. You have stated that a vacancy exists in the Lexington County Council due to the death of Mr. Arrington. You have requested guidelines on the proper procedure for conducting an election to fill the vacancy.

If the vacancy occurs one hundred eighty days or more prior to the next general election, an election must be called. South Carolina Code of Laws, 1976, Section 4-9-90. The vacancy should be declared by the County Council. The Council should further request the County Election Commission to conduct a special election. The time for the election must be set with certain time limits in mind. A political party convention must be advertised in a newspaper for at least three (3) weeks, Section 7-11-30; a political party primary must, likewise, be advertised with sufficient notification for persons to file for office—at least one to two weeks; time must be allotted for campaigning; time has to be allotted for the possibility of a run-off which must be held within two weeks of the first primary, Section 7-13-50; time for protesting the primary, Section 7-17-510, et seq.; and, petition candidates, primary candidates, and convention candidates must be certified as candidates thirty days before the election, Section 7-13-350, as amended by 1976 (59) 1702.

The date for the election would, therefore, be approximately three months from the date of announcing the election. If a primary is not held, the time would, of course, be substantially shortened.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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