

1978 WL 35076 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1978

*1 Joseph S. Mendelsohn, Esquire
122 King Street
P.O. Box 633
Charleston, SC 29402

Dear Joe:

Mr. McLeod has referred your recent letter to me for reply. You have stated that the Register of Mesne Conveyances has notified the Charleston County Election Commission that he will retire from office effective January 31, 1978. You have inquired when the election must be held. The law governing vacancies in the office of Register of Mesne Conveyances in Charleston County is local legislation and, therefore, not included in the 1976 Code. This statute can be found in the 1962 Code of Laws of South Carolina, Section 60-4.1. This statute states in part that [i]n case of any vacancy in the office of register of mesne conveyances in Charleston County, such vacancy shall be filled for the unexpired term of office at a special election called by the Charleston County election commission, which shall be held not less than forty-five days after the vacancy occurs.

Therefore, an election cannot be held within forty-five days after the vacancy occurs but may be held at any time thereafter.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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