

1978 WL 34828 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1978

*1 The Honorable James M. Arthur
Member
House of Representatives
Union County
Box 705
Union, South Carolina 29379

Dear Mr. Arthur:

The Town of Carlisle is conducting an election for the offices of mayor and councilmen. No entrants have filed for the office of two seats on the city council and you require as to what procedure should be followed in this circumstance.

In my opinion, the election should be held as scheduled. If write-in votes are cast for council members for the two seats for which there are no candidates, those votes would be entitled to consideration just as votes for candidates for council. In this measure, an election may be held to fill all seats on the council.

If no write-in votes are cast and no person receives any votes for either of the two council seats, it is my opinion that the only procedure that can be followed would be for the ordering of another election to fill the two vacant seats. Hopefully, this procedure should at least secure votes by the write-in method or it is possible that candidates may thus be induced to run for the two seats.

In my opinion, there is no procedure for filling the vacancies which would exist on the expiration of the terms of the incumbent councilmen. I do not feel that Section 5-7-200 will authorize the filling of a vacancy by the council, as this section authorizes the filling of vacancies for the unexpired term only on the three contingencies set forth in the statute. In the meantime, the two incumbent councilmen now in office and whose terms are soon to expire must continue in office until their successors are elected. [Rogers v. Coleman, 245 S.C. 32.](#)

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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