

1975 WL 29259 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 12, 1975

*1 Leo Hill, Esquire
P. O. Box 2585
Greenville, SC 29602

Dear Mr. Hill:

This letter is to confirm our telephone conversation of September 12, 1975. You have informed me that the City of Grier has adopted by ordinance the Uniform Municipal Election Law found at 47-57.11 et seq. Section 47-57.14 sets the date of the election for the first Tuesday in November. A 1974 amendment to the general election law rewrote Section 23-400.15 of the Code and now requires that all candidates be certified in municipal elections forty-five (45) days before the holding of the election. You have inquired if it is possible to postpone the time of the election or to shorten the time of certification.

The time for holding the election and the date for certification are established by statute; therefore, a municipality may not alter these time requirements. Absent a court order altering these times, the municipality is bound by the time requirements.

Forty-five days before the election by my calculations would be September 20, 1975, which would give slightly more than one week for the candidates to certify. You have informed me that the five percent of the qualified registered voters required to sign a petition would equal approximately one hundred fifty (150) voters. I believe that certification could be accomplished by September 20.

It is, therefore, the opinion of this Office that absent a court ruling on the issue, the municipality must certify the candidates forty-five days prior to the election and hold the election on the first Tuesday in November.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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