

1975 S.C. Op. Atty. Gen. 181 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4103, 1975 WL 22399

Office of the Attorney General

State of South Carolina

Opinion No. 4103

September 2, 1975

\*1 Mr. James B. Ellisor  
Executive Director  
State Election Commission  
P.O. Box 5987  
Columbia, SC 29250

Dear Mr. Ellisor:

You have requested an opinion from this Office as to whether or not the Board of State Canvassers must meet to canvass the results of the referendums to be held pursuant to the Home Rule Act. Section 23–473 of the South Carolina Code of Laws, 1962, as amended, states

The Board of State Canvassers shall meet at the office of the Election Commission within ten days after any general election for the purpose of canvassing the vote for all officers voted for at such election, including the vote for the electors for President and Vice-President, and for the purpose of canvassing the vote on all Constitutional Amendments and questions and other issues. (emphasis added)

Section 23–2(1) defines the term ‘general election’ for the purposes of the election law as follows:

‘General election’ means the election provided herein to be held for the election of officers to the regular terms of office provided by law, whether State, United States, County, Municipal or of any other political subdivision of the State, and for voting on constitutional amendments proposed by the General Assembly.

Section 23–2(2) defines the term ‘special election’ as follows:

‘Special election’ means any other election including any referendum provided by law to be held under the provisions of law applicable to general elections.

It is the opinion of this Office that the referendums held pursuant to the Home Rule Act could not be considered to be a general election and; therefore, the results of the election would not be canvassed by the Board of State Canvassers.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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