

1974 WL 27694 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 2, 1974

*1 Frank Bryan, Esq.
City Attorney
P. O. Box 1289
Sumter South Carolina 29150

Dear Mr. Bryan:

To confirm our telephone conversation of April 2, 1974, the City of Sumter, acting pursuant to the Municipal Nominations and Elections Act, has the power to set the date for their own municipal elections.

South Carolina Code of Laws, 1962 § 47-671, states in part:

There shall be voted for at an election to be held in the City of Sumter on the second Tuesday in August in each even-numbered year candidates for mayor and for two councilmen . . .

However, the City of Sumter subsequently adopted the provisions of the Municipal Nominations and Elections Act. See § 47-57.1. Section 47-57.5 states in part:

The time for the holding of any special or general municipal election to fill offices shall be set by the governing body of such municipality, any other provision of law to the contrary notwithstanding . . .

Therefore, this section would control and the elections may be set for such time as the governing body chooses to set the election.

Sincerely,

Treva Ashworth
Staff Attorney

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