

1974 S.C. Op. Atty. Gen. 118 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3750, 1974 WL 22428

Office of the Attorney General

State of South Carolina

Opinion No. 3750

April 11, 1974

***1** Unless a municipality has adopted the Uniform Municipal Law, the time for holding municipal elections will be governed by the general code provisions for that municipality.

Member, House of Representatives
Beaufort, S.C.

Your letter of April 10, 1974, inquiring into whether or not there is a requirement that municipal elections be held in odd numbered years has been referred to me for reply.

South Carolina Code of Laws, 1962, as amended, § 47-57.12 states

The mayor and councilmen of each municipality adopting the provisions of this article shall be elected in odd-numbered years from the municipality at large and shall serve terms of office as provided for herein.

This section is part of an article entitled Uniform Municipal Law, which only governs municipalities which adopt its provisions by ordinance. If the municipality has not adopted this ordinance there would not be a general requirement that the election be held in an odd numbered year.

The law which would control a municipality as to the time for holding an election, if that municipality has not adopted this section, would then be governed by the general code law which is applicable to each municipality in relation to its population. For instance, Section 47-111 states in part

The officers of each town in this state of not more than one thousand inhabitants shall be an intendant and four wardens ... such officers shall be elected annually ...

And Section 47-311 in the section relating to municipal corporations between one thousand and five thousand states in part

... the mayor and aldermen shall be the town council of such town and shall be elected every two years ...

Therefore, unless the municipality has adopted the Uniform Municipal Law the time for holding municipal elections will be governed by the general code provisions for that municipality.

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