

1974 WL 27889 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 29, 1974

**\*1 Re: Municipal Election Laws**

Mary D. Dusenberry  
Chairman  
Clemson City Council  
General Government Committee  
111 Lakeview Circle  
Clemson, SC 29631

Dear Mrs. Dusenberry:

The following is in answer to your request for information concerning the Municipal Election Law: Numbered seats are not per se illegal; however, there is no provisions for such in the Municipal Election Law. In multi-numbered positions such as City Council, it is possible to elect at large or by numbered seats; however, the municipal Election Law provides for an election at large, which inherently precludes numbered seats. Obviously, because of the staggered term half of the Council seats will be up for election at large every two years. And in the first election persons will file for either the seats with two year terms or the seats with four year terms. As for 'Majority of the votes cast,' I recommend the formula used by the Legislature in Section 23-496.1(2), even though the Municipal Election Law is not as specific and even though 23-496.1 applies only to Primaries. In conclusion, the Uniform Municipal Election Law would have the effect of extending your term since you will be changing from an election in even-numbered years to one in odd-numbered years; however, you do not have any authority to write an election law on your own, other than as provided in the Uniform Municipal Election Law so as to adopt said law by way of local ordinance.

Please contact me if you wish any further clarification or assistance.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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