

1973 WL 26607 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 12, 1973

***1 Re: No. 80—Election—Municipal**

Honorable Mark C. Garner
Mayor of Myrtle Beach
Myrtle Beach, South Carolina

Dear Mayor Garner:

Attorney General McLeod referred to me your request for an opinion as to the statute applicable to filling a vacancy on the City Council of Myrtle Beach. Although Section 47-526.1, Code of Laws of South Carolina as amended, appears to put Myrtle Beach in the category of municipalities with a population of 10,000 to 20,000 habitants, the 1970 Census places the population of Myrtle Beach at approximately 9,000 persons. Such a population would place Myrtle Beach under the provisions of Section 47-243, Code of Laws of South Carolina for purposes of filling a vacancy on the City Council. This section requires an election to fill a vacancy unless the vacancy occurred within 60 days of the regular election, in which cases it would be up to the discretion of the Council whether or not to fill a vacancy before the general election.

After reviewing the statutory provisions relating to filling vacancies on city governing bodies, I am aware that there are a number of different provisions, depending upon the population of the municipality involved. Please feel free to contact me if you desire any further clarification or if you are aware of any statutory provision that I have overlooked in arriving at my conclusion.

Very sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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