

1973 WL 26952 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 5, 1973

*1 Ms. Mary Dusenberry
Chairman
Clemson Council General Gov't. Committee
111 Lakeview Circle
Clemson, South Carolina

Dear Ms. Dusenberry:

Assistant Attorney General Quinn referred your letter relating to the application of the Municipal Election Law to Clemson to me. According to your letter, Clemson now operates on a fiscal year ending on June 30th and its Mayor and Councilmen are elected in even-numbered years for terms of two years. You ask specifically how to switch an election in odd-numbered years and how to move into the four years staggered terms. In answer to this question, the governing body would adopt an ordinance adopting uniform municipal election law, which would mean that the next election would be held in May of the odd-numbered year following the expiration of the two-year terms under the old law, resulting in a situation of which the Mayor and Councilmen would merely carry over until their successors would qualify under the new law. In other words, the Uniform Municipal Election Laws should not be implemented so as to shorten any officials terms of office.

In addition, you asked for any revisions of the Uniform Municipal Election Law as it would affect Clemson. There has been no change in Uniform Municipal Election Law since its enactment in 1970. However, Section 47-57.16 ties the Municipal Election Law to all other election laws affecting municipalities. Since this is an election change, I would recommend that the ordinance changing over to the Uniform Municipal Election Law be forwarded to the United States Justice Department for their approval under the voting rights act. Furthermore, I am enclosing a copy of the Toporek and Harper cases, decided last year, which may have implications for municipal elections. Finally, I am also enclosing a copy of the 1973 Act bearing ratification No. 564, relating to nominating petitions in municipal elections, which has the overall effect of lowering the number of signatures needed on such petitions.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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