

1972 WL 25192 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1972

***1 Re: Section 47–371.2, Code of Laws of South Carolina, 1962, governs the election of councilmen for the City of Cayce**

Donald D. Aaron, Esquire

Kirkland, Aaron and Alley
P. O. Box 474
Columbia, South Carolina 29202

Dear Mr. Aaron:

In your capacity as City Attorney for the City of Cayce, you have requested the opinion of this office as to whether Section 47.371.2 or Section 47–699.22(2), Code of Laws of South Carolina, 1962, governs the election of councilmen for the City of Cayce. Section 47–699.22(2) is a part of Chapter 7, Title 47, and Chapter 7 concerns the council-manager form of government for cities of between 7,000 and 12,000 inhabitants. Therefore, I presume from your inquiry that Cayce has adopted the council-manager form of government.

Section 47–699.22(2), in summary, states that six councilmen shall be elected at large, and there is a staggering provision. Section 47–371.2 relates specifically to the City of Cayce and states that there shall be four councilmen who shall be elected at large, with two to be residents of each of the two wards of the city.

Chapter 7 of Title 47 and hence Section 47–699.22(2) date back to an act of 1955 which was approved by the Governor on April 14, 1955, and became effective on that date. See 49 Stats. 203. Section 47–371.2 (Section 47–313 of the 1952 Code) was amended to read as it now does by a 1959 enactment, 51 Stats. 341. An act subsequent to the council-manager enactment mentioned above, 1955 Stats. 295 had amended Section 47–313 of the 1952 Code to provide for six councilmen with two to be residents of each of the three wards of the City.

As you can see from the above legislative history, Section 47–371.2 is the last expression of the legislative will, and, therefore, it is our opinion that Section 47–371.2 is the controlling statute insofar as Cayce City Council elections are concerned. [City of Spartanburg v. Blalock](#), 223 S.C. 252, 75 S.E. (2d) 360.

Very truly yours,

Robert W. Brown
Assistant Attorney General

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