

The State of South Carolina



Office of the Attorney General

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May 15, 1989

Robert M. Bell, Esquire
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South Aiken Executive Center
Suite 1, 958 Millbrook Avenue
Aiken, South Carolina 29801

Dear Mr. Bell:

Your letter addressed to Attorney General Medlock has been referred to me for reply. On behalf of the Aiken County Council you have asked the following question:

[m]ust the County governing body provide funds to the County Election Commission for the purpose of holding elections regarding annexation of areas into municipality and elections for members of boards of special purpose districts.

Section 7-23-40 of the Code provides that the

...governing bodies of the several counties shall audit and pay all accounts for necessary expenses incurred by the commissioners and managers of election for stationery, the making of election boxes, rents and similar expenses in elections held in this State.

Section 7-13-340 establishes the entity that pays to have ballots printed and distributed. This section provides that:

[t]he printing and distribution of ballots in all...county, local and circuit elections shall be arranged and handled by the commissioners of election of the several counties and shall be paid by the respective counties... The printing and distribution of ballots in all municipal elections shall be arranged and handled by the municipal authorities conducting such elections and shall be paid for by the municipalities.

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However, the statutory provisions regarding municipal annexations are set out in the Code at Section 5-3-10, et seq. Section 5-3-50 provides that the county election commission will order the annexation election; Section 5-3-60 provides that the county election commission will give notice of the election; Section 5-3-70 provides that the election "...shall be a special election and not a municipal election..."; Section 5-3-80 provides that the county election commission will certify the results of the election.

The general law found at Sections 5-15-90 and 5-15-100 provides that all municipal elections are to be conducted by the municipal election commission and by virtue of Section 7-13-340 would, therefore, in those elections be responsible for paying for at least the ballots printing and distribution. However, Section 5-3-70 specifically provides that a municipal annexation election is not a municipal election. Therefore, the county would be responsible for conducting and paying for municipal annexation elections.

The second part of your question concerns whether or not the county must provide funds for special purpose district elections. The special purpose districts you discuss in your letter are the ones set out in Section 6-11-10, et seq. Once those districts are established, the county governing body is directed in Section 6-11-70 to provide by ordinance for a uniform election date for the election of the members of the special purpose districts within the county. The statutes are silent as to what authority pays for these elections.

As discussed, Section 7-13-340 which is set out partly above, provides that municipalities shall pay for the distribution and printing of its own ballots. The section proceeds to also provide that the term "municipalities" as used in this section "...shall be construed to include...public service districts..." It would appear that, in general, public service districts would, therefore, pay for the ballots and their distribution and the county would pay for the additional election costs involved. See, April 21, 1980 Attorney General Opinion to Joseph H. Earle from James M. Holly, copy enclosed. Of course, for public service districts this answer could vary district by district depending upon the existence of any special legislation regarding the district and also upon if it was established under provisions other than Section

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6-11-10, et seq. which might have different or specific statutes regarding this question.

Sincerely,



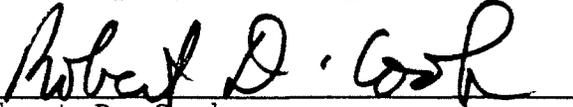
Treva G. Ashworth
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TGA/srcj
Enclosure

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