

1979 WL 43446 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 5, 1979

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The Daniel Building  
Greenville, SC 29602

Dear Mr. Mann:

Mr. McLeod has referred your recent letter to me for reply. You have asked the following questions:

(1) Can the City by ordinance place a limit on the amount of money that can be spent by or on behalf of a candidate's campaign for the offices of Mayor and City Council?

There is no specific law in South Carolina which would cover the question that you have raised. In absence of statute, you may attempt to pass such an ordinance; however, whether or not it is a valid exercise of a municipality's powers would have to be determined by a court of competent jurisdiction.

(2) State law provides that the polling place for the City of Mauldin precinct shall be at Mauldin Elementary School (Title 7, Chapter 7 of the Code of Laws for South Carolina 1976). The City Council prefers a local church for a number of reasons. May the City enact an ordinance designating a different polling place for municipal elections? The City has only one polling place. I have read Section 7-7-920 of the State Code but it appears to be rather confusing to me.

If the General Assembly has designated a polling place, the municipality may not change it by ordinance.

Very truly yours,

Treva G. Ashworth  
Senior Assistant Attorney General

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