

1978 WL 35046 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 16, 1978

\*1 Honorable Clyde Smith  
Mayor  
Pro Tempore  
Town of Monetta  
Monetta, SC 29105

Dear Mayor Smith:

Mr. McLeod has referred your recent letter to me for reply. You have informed us that the mayor has resigned from office and you have inquired if you as the Mayor Pro Tempore can serve as mayor or if an election should be held.

[Section 5-7-190 of the 1976 South Carolina Code](#) of Laws states in part that

. . . The mayor pro tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as mayor until a successor is elected.

Section 5-7-200(b) states that

A vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next general election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election.

Therefore, you may serve as mayor until a new mayor is elected. This election may be conducted at the next general election or at a special election if the general election is more than one hundred eighty days from the time the office became vacant.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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