

1976 WL 30911 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 23, 1976

\*1 Cole L. Strickland  
Chairman  
Calhoun Falls Election Commission  
425 Pecan Drive  
Calhoun Falls, South Carolina 29628

Dear Mr. Strickland:

In accordance with our telephone conversation yesterday, I am writing to advise you that, in view of the recent letter from the United States Department of Justice advising Mayor Simpson that Calhoun Falls' majority vote requirement for the election of councilmen is legally unenforceable, the opinion of this Office is that the recent election to fill the vacancy on the council must be conducted again inasmuch as that election used the majority vote requirement. The new election should meet all the requirements set forth in Sections 47-90 through Section 47-103, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), as well as the requirements for special elections provided for in Sections 23-400.11 through 23-400.27 of the Code (Cum. Supp.), and should impose a plurality requirement only on the successful candidate.

This Office is also of the opinion that the run-off election now scheduled for December 28, 1976, should not be conducted in view of the invalidity of the first election.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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