

1975 WL 29834 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 26, 1975

\*1 Mr. C. B. Harmon  
Superintendent of Education  
County of Lexington  
Lexington, S. C. 29072

Dear Mr. Harmon:

Mr. McLeod has referred your recent letter to me for reply. Act No. 1181 of the 1974 Acts and Joint Resolutions [1974 (58) 2762] at Section 5 states in part:

The person receiving the highest number of votes shall be declared the nominees for the positions on the board to be filled.

You have requested this Office advise you under what conditions a run-off election will be required. Under a requirement, such as set out above, those persons receiving the highest number of votes shall be the nominees, a run-off will not be required. The only situation you might be confronted with would be the need for a mandatory recount if the person declared nominated has won by not more than one percent (1%) of the total votes cast. See Section 23-476.3 of the South Carolina Code of Laws, 1962, as amended.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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