

1974 WL 27567 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
January 2, 1974

*1 The Honorable L. Mendel Rivers, Jr.
Member
House of Representatives
Charleston County
1-A Water Street
Charleston, South Carolina 29401

Dear Mendel:

Thank you for your letter of December 17 concerning an election in the town of Folly Beach and asking if a majority vote would be required in the race for Alderman. In my opinion a majority will not be required as I have been informed by the clerk of the town that the provisions of the Uniform Municipal Election Law (Section 47-57.11 et. seq.) have not been adopted by that town. If these provisions have been adopted, then a majority would be necessary. I would respectfully suggest that the provisions for the majority election required be eliminated from that law as, in my opinion, it serves no purpose, is a departure from the general requirements, and leads to difficulties such as existed recently in the Isle of Palms elections. When towns adopt this statute, they are generally unaware of the majority requirement.

You also inquired if there is any prohibition against having the municipal election on the same date as that for the upcoming special election to fill a vacancy in the State House of Representatives. I advise that in my opinion there is no reason why these two elections cannot be conducted simultaneously although it may require a separate managers and separate sets of books. I am forwarding a copy of this letter to Mr. James Ellisor, Director of the Election Committee with the request that he supplement this with such observations as he may thing appropriate.

I have prepared previously an outline of the requirements of Sections 47-57 et. seq. which I understand have been adopted by the town of Folly Beach. There are not readily at hand, but they will be forwarded to you as soon as I can locate them.

With best wishes.
Cordially,

Daniel R. McLeod
Attorney General

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