

1974 WL 27938 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1974

\*1 Ms. Helen M. Roberds  
Clerk  
Town of Estill  
Estill, South Carolina 29918

Dear Ms. Roberds:

Thank you for your letter of August 21, 1974, in which you raised several questions concerning municipal elections. Specifically, you have asked if a person must vote for all of the candidates offering in an election for council when there are four positions to be filled and five candidates seeking election. Pursuant to South Carolina Code of Laws, 1962, as amended, Section 23-400.92 a person may vote for one, two, three or four persons and his vote will be counted. However, if the elector should vote for more than four, his ballot will not be counted.

Absentee ballots may be used in a municipal election. Pursuant to Code Section 23-449.11 of the South Carolina Code of Laws, 1962, as amended, the State Elections Commission is made responsible for printing and distributing the necessary forms to allow absentee balloting in general and special elections. A general election is defined at Section 23-2(1) as meaning

. . . the election . . . held for the election of officers to the regular terms of office provided by law, whether State, United States, county, municipal or of any other political subdivision of the State, and for voting on constitutional amendments proposed by the General Assembly.

Under the terms of this broad definition and the statutory authority of Section 23-449.12 requiring liberal construction of these provisions, absentee ballots would be permissible in municipal elections. Requirements for obtaining an absentee ballot would be the same as those requirements established by the Code of Laws for absentee balloting in any election. See Section 23-441, et seq.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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