

1974 WL 28027 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 11, 1974

\*1 Honorable LaVerne Ard  
Mayor  
Town of Pamplico  
P. O. Box 296  
Pamplico, South Carolina 29583

Dear Mayor Ard:

I am in receipt of your letter of December 9, 1974, concerning municipal elections in the Town of Pamplico. You have stated that the candidates are running by petition and have inquired-how many people must sign the petition.

On October 17, 1974, the United States Department of Justice approved an act which makes multiple changes in the election laws. (Act No. 1235 of the 1974 Acts and Joint Resolutions). One of the changes instituted by this act relates to the requirements for petition candidates and is found at 23-400.16 which states in part:

A candidate's nominating petition for any office in this State shall contain the signatures of at least five percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate shall be required to furnish the signatures of more than ten thousand qualified registered electors for any office.

Additionally, you have inquired when the books should be opened and closed for candidates. It is my understanding that Pamplico has not adopted the Municipal Nominations and Elections Act or the Uniform Municipal Election Laws found at South Carolina Code of Laws, 1962, as amended, Section 47-57, et seq. and 47-57.11, et seq., respectively, which establishes its own provisions for certification. The general requirements for the last date at which candidates to be placed upon the ballot may be certified is found at Section 23-400.15 which states

The nominees in a petition . . . shall be placed upon the appropriate official ballot . . . if the names of such nominees are certified . . . for . . . municipal elections, by at least twelve o'clock noon on the forty-fifth day prior to the date of the holding of such election, or if the forty-fifth day falls on Sunday, by twelve o'clock noon on the following Monday.

As your city has designated January 13, 1975, as the date for your election, November 30 would have been forty-five days prior to the election.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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