



Internal Memorandum

Re: Governor's Power to Set a New Election

When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result. – S.C. Code Ann. § 7-13-1170 (1976).

Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality. Public notice of the elections shall be given at least sixty days prior to such elections. – S.C. Code Ann. § 5-15-50 (2004).

Where statutes provide for an election and none is held, Governor has statutory authority to order an election. 1968-69 Op Atty Gen, No. 2608, p 1.

City of Belton: Code of Ordinances

- Ch.2 Art. III Section 2-103 – Election of laws of the state to govern (Code 2001, § 2.301)
  - o All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.
- Ch.2 Art. III Section 2-115 - Public Notice (Code 2001, § 2.313)
  - o Public notice of all municipal elections shall be given at least 60 days prior to such elections, as required by law.

Executive Orders not on point, but pertaining to the use of § 7-13-1170

- 10-10
- 09-07
- 07-05
- 05-05
- 05-07
- 05-10
- 04-03
- 04-28