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Office of the Attorney General

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October 14, 1988

The Honorable Paul E. Short, Jr.  
Member, House of Representatives  
District No. 43  
126 Main Street  
Chester, South Carolina 29706

Dear Representative Short:

Attorney General Medlock has referred your recent letter to me for reply. You have stated that in Fort Lawn when the time for filing for the offices of Mayor and four council seats were closed, only two people had filed for the council leaving the Mayor's race and two council seats with no candidate. You have inquired what would now happen at the general election.

I am enclosing a prior opinion of this Office which answers your question. April 14, 1988, letter to Charles W. Whetstone, Jr., from Treva Ashworth. In the second paragraph of that letter it is stated that

[t]here is no specific statute that would control what occurs when no candidates file for an office. This Office and the State Election Commission have in the past taken the position that an election should be held in that a write-in vote for any candidate would elect that person to the office for which no one filed.

Therefore, although there is no specific law that governs this, it would appear that the election would be held and any write-in candidate would be elected to these offices.

Sincerely,

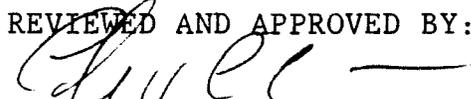
A handwritten signature in black ink that reads "Treva Ashworth".

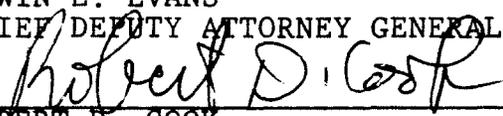
Treva G. Ashworth  
Senior Assistant Attorney General

TGA:bvc  
Enclosure

The Honorable Paul E. Short, Jr.  
October 14, 1988  
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REVIEWED AND APPROVED BY:

  
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EDWIN E. EVANS  
CHIEF DEPUTY ATTORNEY GENERAL

  
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ROBERT D. COOK  
EXECUTIVE ASSISTANT FOR OPINIONS