

1972 WL 25946 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 19, 1972

**\*1 Re: Late Filings for Democratic Primary**

The Honorable Edith C. Padget  
Clerk of Court  
Saluda County Court House  
Saluda, South Carolina

Dear Mrs. Padget:

Concerning the late primary entries which were made for county and less than county wide offices pursuant to the Restraining Order and final Order in the case of Harrison, et al. v. Fowler, et al., we have been advising that resort should be had to the courts to clarify the matter.

Enclosed is a copy of the Darlington County case (Cross v. Herrison, et al.) decided by our Supreme Court on April 14, which held that the Order extending the filing deadline (beyond March 20) was null and void insofar as candidates in Darlington County were concerned. Primary candidates in other counties who filed before the deadline and who wish to contest the validity of primary opponents who filed after the deadline set by law (i.e., March 20) should institute court proceedings to have the late filings declared null and void. We have been informed that one such proceeding has already been instituted in one county.

If a candidate who filed late were to win his party's primary, there is always the danger that the validity of his candidacy in the General Election will be contested by his opponents from the other political parties.

Very truly yours,

Robert W. Brown  
Assistant Attorney General

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