

1972 WL 25329 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1972

*1 Senator Gordon H. Garrett
7 Broad Street
Charleston, South Carolina

Dear Senator Garrett:

Section 23-400.75, Code of Laws of South Carolina (1962), provides that the candidate assessments (filing fees) for the office of State Senator in multi-county districts shall be set by a majority of the county chairmen of the counties in the respective districts. I refer you to this statute for the full text.

Assuming, as apparently you assume, that all the provisions of Section 23-285 are still valid requirements (see concurrent Resolution adopted May 25, 1972, attached hereto), it does not necessarily follow that the 'five hundred dollar' provision contained within such statute conflicts with the first mentioned statute. Subsection (d) states:

'Each candidate shall also be required to deposit five hundred dollars with the State Election Commission prior to determination of the order for filing and the Commission shall issue its official receipt to each candidate. The amount so deposited shall be credited to the filing fee for those candidates seeking nomination in a primary election.'

It is the opinion of this office that this 'filing fee' is 3750 if it was properly imposed pursuant to Section 23-400.75. The amount deposited with the Commission will be credited towards the filing fee.

Very truly yours,

Robert W. Brown
Assistant Attorney General

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