

# The State of South Carolina



## Office of the Attorney General

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September 27, 1994

Anne Frances Bleecker, Esquire  
Nelson, Mullins, Riley & Scarborough, L.L.P.  
Post Office Box 1806  
Charleston, South Carolina 29402

Dear Ms. Bleecker:

I am in receipt of your letter that you faxed to me September 22 and which I received September 23. You have stated that you are the Chairman of the Charleston County Democratic Party and that a candidate for Charleston County Council has resigned for a non-political reason. The candidate had been unopposed in the primary and his name had, therefore, not appeared on the ballot. You have inquired if the candidate should be replaced pursuant to the provisions of S.C. Code Ann. §§ 7-11-50 or 7-11-55 (Supp. 1993).

It would appear that Section 7-11-55 would apply and a special primary election would be required to be held. Section 7-11-55 reads in part as follows:

If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7-11-50 and was selected through a party primary election, the vacancy must be filled in a special primary election to be conducted as provided in this section. ... The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7-11-50.

Where the party nominee was unopposed each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section. (Emphasis added)

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The statute, therefore, specifically states that this section applies to candidates who withdraw who were previously unopposed. I am enclosing a prior opinion of this Office which, although concerned with a different issue, discussed the fact that an unopposed candidate would be replaced following the statutory guidelines of Section 7-11-55. October 20, 1992 Opinion to Senator Rose from Patricia Petway.


Sincerely,



Treva G. Ashworth  
Deputy Attorney General

TGA:bvc  
Enclosure

REVIEWED AND APPROVED BY:

  
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EDWIN E. EVANS  
Chief Deputy Attorney General  
\_\_\_\_\_  
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