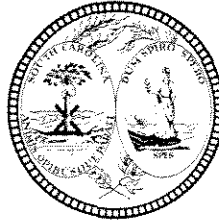


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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

September 4, 1996

The Honorable Glenn G. Reese  
Senator, District No. 11  
117 Sun Valley Drive  
Inman, South Carolina 29349

Dear Senator Reese:

Thank you for your letter of August 7, 1996, seeking an interpretation of S.C. Code Ann. § 23-11-110 (1995 Supp.) which details the qualifications of sheriffs in South Carolina. Specifically, you have asked the following question:

If there is not a sworn affidavit, by the deadline, containing all the required information on file at the local County Election Commission, by a person who is currently serving as Sheriff, does this person who is a candidate for Sheriff have to have this information on file with the local Election Commission in order to be a legal, qualified, candidate for the next term of Sheriff? (Emphasis added.)


Act No. 19 of 1993, which took effect on July 1, 1993, completely rewrote subsection (B) of § 23-11-110. As stated in your letter, that section now requires a candidate for the office of sheriff to file a detailed sworn affidavit with his party's county executive committee, who then must file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. However, subsection (E) of § 23-11-110 provides, "[a] sheriff holding office on the effective date of this section is exempt from the provisions in this section except for the provisions of subsection (D) of this section." (Emphasis added.) Thus, by its literal text, § 23-11-110(E) exempts sheriffs who held office on July 1, 1993 from the provisions of subsection (B) regarding the filing of sworn affidavits. Accordingly, it is my opinion that a person who held office as sheriff on July 1, 1993 and who continues to do so today is not required to have a copy of the sworn affidavit on file with the county election commission in order to be a qualified candidate for re-election to that office.

REQUEST LETTER

The Honorable Glenn G. Reese  
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I trust this information is responsive to your inquiry. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

  
Robert D. Cook  
Assistant Deputy Attorney General

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REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
Zeb C. Williams, III  
Deputy Attorney General