

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3680
FACSIMILE: 803-253-6283

March 12, 1990

The Honorable David M. Beasley
Member, House of Representatives
429 Blatt Building
Columbia, South Carolina 29211

Dear Representative Beasley:

Attorney General Medlock has referred your letter to me for reply. You have inquired if the provisions of South Carolina Code of Laws, 1976, Section 7-11-15 applies to non-partisan school trustee elections held on general election days.

South Carolina Code of Laws, 1976, as amended, Section 7-11-15 provides in part that

[i]n order to qualify as a candidate to run in the general election, all candidates, whether seeking nomination by political party primary, political party convention, or by petition must file a statement of intention of candidacy, as follows

* * *

3) those candidates seeking nomination by petition for a countywide, or less than countywide office shall file their statement of candidacy with the County Election Commission in the county of their residence between noon March sixteenth and noon March thirtieth.

A general election is defined at Section 7-1-20(1) of the Code as follows:

'General Election' means the election provided herein to be held for the election of offi-

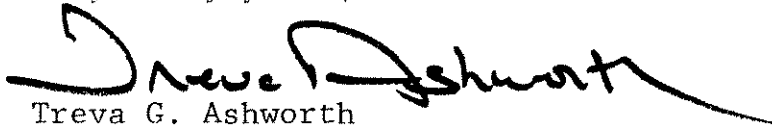
The Honorable David M. Beasley
March 12, 1990
Page 2

cers to the regular terms of office provided by law, whether State, United States, County, municipal or of any other political subdivision of the State, and for voting on constitutional amendments proposed by the General Assembly.

These statutes would, therefore, require a petition candidate running at the time of the general election to file by March thirtieth. A school trustee running by petition in a non-partisan election held at the time of the general election would come within the provisions of this statute.

However, often statutes regarding school elections provide that the candidates in non-partisan elections only have to file for the office. Any candidate for a school trustee election that only has to file for an office, would not be governed by the provisions of Section 7-11-15 as they are not seeking nomination to the office by petition.

Very truly yours,



Treva G. Ashworth
Senior Assistant Attorney General

TGA:bvc

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Executive Assistant for Opinions



EDWIN E. EVANS
Chief Deputy Attorney General