



Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

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August 21, 1990

Mr. James B. Ellisor  
Executive Director  
State Election Commission  
2221 Devine Street  
Post Office Box 5987  
Columbia, South Carolina 29250

Dear Jim,

Attorney General Medlock has referred your letter of August 16, 1990, to me. You have requested an opinion from this Office as to with whom a candidate for the State House or Senate should file a statement of withdrawal under the provisions of South Carolina Code of Laws, 1976, as amended, Section 7-11-50.

As you have noted the statutory provisions regarding this question are not entirely clear. The applicable portion of the statute reads as follows:

[s]uch affidavit shall be filed with the State Party Chairman of the nominee's party and also with the Election Commission of the county if the office concerned is countywide or less including members of the General Assembly and with the State Election Commission if the office is statewide.

You have read this provision together with Section 7-21-50 which states that

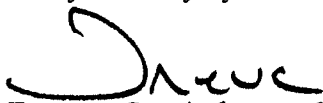
[a]ll the provisions of Title 7 of the 1976 Code governing a State office shall apply to the offices of the State Senate and of members of the House of Representatives except in those instances in which special provision is made for such offices and in those instances such special provisions shall control.

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Reading these provisions together you concluded in your letter of August 15, 1990, to Mr. Barry Wynn that if the House or Senate office is contained within one county, the statement would be filed with that county election commission. If the office covers more than one county; ie, is a multi-county seat, the statement would be filed with the State Election Commission. This appears to be a resonable reading of the statutes and this Office has no reason to disagree with the conclusions reached by you in your letter to Mr. Wynn.

Additionally, you have inquired "whether the State Executive Committee or the County Executive Committee of the political party replaces the candidate." In our subsequent telephone conversations we have agreed that the statutory provisions governing this question are also unclear and that it would appear that this would be a decision that the political party would have to make.

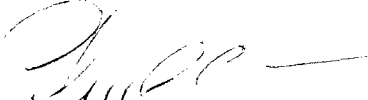
Very truly yours,



Treva G. Ashworth  
Senior Assistant Attorney General

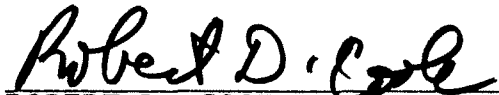
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REVIEWED AND APPROVED BY:



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EDWIN E. EVANS  
Chief Deputy Attorney General



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ROBERT D. COOK  
Executive Assistant for Opinions