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The Honorable Candy Y. Waites
Member, House of Representatives
District No. 75-Richland County
818 Gregg Street
Columbia, South Carolina 29201

Dear Ms. Waites:

I am in receipt of your recent letter. You have inquired if a candidate who withdraws and was unopposed must prove that his withdrawal was for a non-political reason in order for the political party to be able to replace him.

Section 7-11-50 of the South Carolina Code of Laws, as amended, provides in part that

[i]f a party nominee dies, becomes disqualified after his nomination or resigns his candidacy for a legitimate nonpolitical reason as defined in this section ... the respective State or County Party Executive Committee may nominate a nominee for such office ... No substitution of candidates shall be authorized except for death or disqualification, unless the Election Commission to which the affidavit is submitted approves the affidavit as constituting a 'legitimate nonpolitical reason' for the candidates resignation ... provided, that where such party nominee is unopposed each political party registered with the State Election Commission shall have the privilege of nominating a candidate for the office involved.
(Emphasis added)

The statute links resignation of a candidacy with the resignation being for a legitimate nonpolitical reason and prohibits substitution unless the Election Commission finds the resignation was

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for such a reason. Once the resignation is found to be for a legitimate reason, substitution is allowed and if the nominee had been unopposed both parties are authorized to nominate candidates.

Therefore, any candidate who withdraws his candidacy must have withdrawn for a legitimate nonpolitical reason in order for the party to replace his candidacy. This would be true if the candidate was opposed or unopposed on the general election ballot.


Very truly yours,



Treva G. Ashworth
Senior Assistant Attorney General

TGA:bvc

REVIEWED AND APPROVED BY:



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