

1983 WL 181916 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 15, 1983

\*1 E. P. Riley, Jr.  
Riley, Riley, Laws & Stewart  
Post Office Box 10084  
Greenville, South Carolina 29603

Dear Mr. Riley:

You recent letter addressed to Mr. Medlock has been referred to me for reply. You have stated that the Town of Simpsonville is considering having individuals pay a filing fee when they file to run for a non-partisan election for town elections. You have inquired if this would be considered constitutional.

The only provision in the law establishing filing fees is found at SOUTH CAROLINA CODE OF LAWS, 1976, Section 7-11-430, which establishes that candidates for the House of Representatives may be assessed a filing fee equivalent to two percent of the annual salary of the office. Additionally, Section 7-11-410 provides that the amount of filing fees shall be established by the State or county committees. It has been my understanding that several municipalities have established a flat rate for a filing fee.

The courts have not found filing fees to be unconstitutional as long as the fees are reasonable and as long as there is provided a reasonable alternative procedure for persons to be placed on the ballot who are not able to pay the filing fee. [Lubin v. Panish, 415 U.S. 709, 39 L.Ed. 2d 702, 94 S.Ct. 1315 \(1974\)](#); [Annot.: Validity and Effect of Statutes Exacting Filing Fees from Candidates for Public Office, 89 A.L.R. 2d 864.](#)

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

1983 WL 181916 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.