

1981 WL 158227 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1981

\*1 Mr. William H. Grimball  
Chairman  
Republican Party  
City of Charleston  
Post Office Box 816  
Charleston, South Carolina 29402

Dear Mr. Grimball:

This letter is to confirm my April 6, 1981 telephone conversation with you. You have stated in your recent letter and by telephone that the Republican Party for the City of Charleston would be convening April 6 to nominate candidates for City Council. You have further informed me that under the present law, only the residents of an alderman's district are permitted to vote for that office. You have raised the following questions:

(1) In deciding whether the party will nominate by convention or by party primary does the whole convention vote on the question, or only the delegates from the district affected? (It would appear that the whole convention must vote on the question, from the provision of Section 7-11-30, which provides that no convention shall make nominations for one or more offices at the convention and order primaries for other offices to be filled during the same election year.)

I would agree with your conclusion that the entire convention would make the decision.

(2) If the convention should decide to nominate candidates by convention rather than by primaries, does the whole convention make the nominations or only the delegates present from the district for which the nomination is to be made? (In the past, I have observed the practice of separating the delegates at the convention into those representing the several districts for which nominations are to be made, and then those delegates for such districts nominating candidates. The logical basis for this practice is the fact that if a primary is held only the persons from the district are entitled to vote for the nomination of the candidate.)

It is my opinion that the entire convention would nominate these candidates. I am enclosing a prior opinion to Mr. Wayne Adams, then Executive Director of the South Carolina Republican Party, which also discusses this question.

In addition, in our telephone conversation the question was raised if an unopposed candidate would have to run in a primary. [Section 7-11-90 of the South Carolina Code](#) of Laws, 1976, states that an unopposed candidate would not be placed on the primary election ballot but is certified for the general election ballot.

Very truly yours,

Treva G. Ashworth  
Senior Assistant Attorney General

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