

1980 WL 121126 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 26, 1980

\*1 The Honorable Larry Blanding  
Representative  
District No. 70  
P. O. Box 1446  
Sumter, SC 29150

Dear Representative Blanding:

Mr. McLeod has referred your recent letter to me for reply. I apologize for any delay in answering your letter, but I have been out of the Office and was under the impression that your question had been answered.

You have stated that a person wants to offer for election for a House Seat in a district in which he does not live. You have inquired if the thirty (30) day deadline refers to the filing period, primary or general election. Under South Carolina Code of Laws, 1976, Section 7-5-150, the registration books are closed thirty (30) days before each election.

However, from what Jim Holly has told me of his conversation with you, I believe your real question is when a prospective candidate must be qualified. It has consistently been the opinion of this Office that a candidate must be qualified as of the time of the general election. 1959-60 Att'y. Gen. Ops. 159; 1964 Att'y. Gen. Ops. 257; 1968 Att'y. Gen. Ops. 101, 177.

[South Carolina Constitution, Article III, § 7](#) states in part that

[n]o person shall be eligible for a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution . . . in the county, as to the House, in which he may be chosen.

South Carolina Code of Laws, 1976, Section 2-1-40 states that

[a]ny person otherwise qualified by law and the Constitution of this State may file as a candidate and can be elected only in the district in which he is a resident. A person may file for only one House Office.

The Constitutional requirement for qualification as an elector is as of the date of the election. The statutory provision does not alter the constitutional provision. The statute provides that anyone qualified by law may file for office; a separate provision provides that a person can only be elected in the district where he resides.

Therefore, a candidate for the office of House of Representatives must be qualified as of the date of the general election.

Very truly yours,

Treva G. Ashworth  
Senior Assistant Attorney General

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