

1980 WL 121163 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1980

\*1 Walter H. Sanders, Jr., Esquire  
Attorney at Law  
Post Office Box 840  
Fairfax, South Carolina 29827

Dear Walter:

You have asked the opinion of this Office on how persons may become candidates for election to the Allendale County Board of Education.

Act No. 233 of the 1979 Acts and Joint Resolutions provides for the election of the members of the Allendale County Board of Education in the general election. This Act, however, does not state how persons may be nominated as candidates for election to the Board. Thus, reference should be made to Title 7 of the Code of Laws of South Carolina, 1976, 'Elections,' which applies to and controls all elections. [§ 7-1-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

Chapter 11, Title 7 of the 1976 Code provides for the nomination of candidates only by political party primary, political party convention or petition. The specific procedures and dates of each method are set forth in the provisions of Chapters 11 and 13 of Title 7. For example, with regard to the petition method, see, [§ 7-11-70](#) and [§ 7-13-350](#), as amended.

It also should be noted that this Office issued an opinion on July 25, 1978, [copy enclosed] concerning Act No. 272 of the 1977 Acts and Joint Resolutions, which was the predecessor to Act No. 233. The prior opinion was in response to the same question raised by you and reached the same conclusion expressed herein.

Based on the foregoing, it is the opinion of this Office that a person may become a candidate for election to the Allendale County Board of Education only by political party primary, political party convention or petition as provided in Title 7 of the 1976 Code. With personal regards,

James M. Holly  
State Attorney

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