

1980 WL 120894 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 24, 1980

*1 Mr. Leroy Pendleton
Attorney at Law
103 Kings Mountain Street
Clover, South Carolina 29710

Dear Mr. Pendleton:

Mr. McLeod has referred your recent letter to me for reply. You have stated that a candidate must file notice of candidacy thirty days before an election. You have inquired if a write-in candidate, who obviously would not meet these requirements, could be elected to an office if he received the most votes.

The answer to your question is yes. The law specifically requires there to be a place on the ballot for write-in candidates. South Carolina Code of Laws, 1976, Section 7-13-360. These candidates do not meet the statutory requirements for being placed on the ballot as petition, primary or convention candidates. However, if a write-in candidate receives more votes than any other candidate and is otherwise legally qualified, he would win that election. This would be true if there was or was not a specific candidate listed on the ballot for the office for which the write in received the most votes.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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