

1978 WL 35081 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 27, 1978

*1 Mike S. Jolly, Esquire
P.O. Box 651
113 W. Main Street
Union, SC 29379

Dear Mr. Jolly:

I am in receipt of your recent letter. You have stated that an election will be held on June 6, 1978, in Union. One candidate for city council, Mr. Charles Hodge, has been ordered to active service in the National Guard on June 4, 1978, and will be out of the State for two weeks. You have inquired how he can comply with the filing requirements of [Section 7-11-230 of the South Carolina Code of Laws, 1976](#), which requires candidates to file a pledge at the conclusion of their campaign and before the election. In [Lovelle v. Thornton, 234 S.C. 21, 106 S.E.2d 531 \(1959\)](#), the court held the provisions as to the time were directory rather than mandatory. And in a 1963-64 Opinion of the Attorney General which I am enclosing, our Office held that mailing of a candidate's pledge on the day of the election would be substantial compliance.

Therefore, your suggestion that he file his statement and pledge before he leaves the State and mail a registered letter after the election on June 7 would appear to comply with the spirit and intent of the law.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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