

1975 WL 29232 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1975

\*1 Mr. Frank Lipy  
Chairman  
Democratic Club  
P. O. Box 456  
Jonesville, South Carolina 29353

Dear Mr. Lipy:

Mr. Ellisor of the State Elections Commission has referred your letter to this office for reply. As your question deals with Democratic Primary procedures, I am referring your letter to Donald Fowler, Chairman of the Democratic Party, for his reply as to the questions you have raised concerning the necessity of conducting a primary.

In general, I understand your main question to be whether or not candidates can be elected by some procedure other than political party primary. Under general election laws, candidates can be nominated by three methods: primary, convention, and petition. Therefore, candidates for municipal office may be nominated by the petition procedure. See South Carolina Code of Laws, 1962, as amended, Sections 23-400.15, 23-400.16. Also see, § 47-57 et seq., which is the Uniform Municipal Nomination and Election Law, which your town may have adopted and which specifically authorizes petition procedure for nomination for municipal candidates.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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