

1974 S.C. Op. Atty. Gen. 76 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3719, 1974 WL 21238

Office of the Attorney General

State of South Carolina

Opinion No. 3719

February 20, 1974

*1 The Honorable C. Marshall Cain
Member
House of Representatives
Box 939
Aiken, South Carolina 29801

Dear Mr. Cain:

Thank you for your letter of February 5, 1974, inquiring as follows:

'1. Can a County Convention meet on March 4 and postpone its decision on nominating methods until after the State Convention and then reconvene and make a decision with the knowledge of how statewide candidates will be nominated?'

Section 23–259, Code of Laws, 1962, provides that county conventions shall meet on the first Monday in March at the county seat. That date in 1974 is March 4. Section 23–264 provides further that:

'Conventions for political parties not nominating candidates in primaries may be called by State and county committees on other dates than those given in this Title for conventions after three weeks' published notice.'

Accordingly, it is my opinion that county conventions may be called on a date other than March 4 in 1974 and it is my further opinion that the reconvening of a county convention called on March 4 is, in effect, tantamount to calling a convention to meet on a date other than that fixed in the election law. It is my opinion that county conventions must be called to meet only during the month of March, in that the State convention is required to meet during the month of March (Section 23–262), and the county conventions must meet prior thereto. Sections 23–259, 260.

There is, however, a problem which arises if a county convention does not meet on March 4 or which reconvenes after such initial meeting. The provision for calling convention meetings on dates other than those established in the election law is restricted to those conventions which do not nominate candidates in primaries. Section 23–264. Therefore, the statutes, as I read them, require that county conventions meet in 1974 on March 4; a different date may be set for the meeting, but if such different date is established, the convention is restricted to nomination by convention.

I advise, therefore, that, in my opinion, the county convention can meet on March 4; but if it reconvenes, it is limited to making nominations by the convention method.

You additionally inquire:

'2. Can a County Convention meet on March 4 and decide to nominate by convention but not select any candidate and then reconvene after the State Convention and reverse its earlier decision to nominate by convention?'

In accordance with the foregoing comments, it is my opinion that a county convention cannot undertake this procedure, as it is limited to nomination by convention only if it does not meet on March 4 of 1974.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1974 S.C. Op. Atty. Gen. 76 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3719, 1974 WL 21238

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.