

1974 WL 27774 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 21, 1974

\*1 Honorable James B. Ellisor  
Executive Director  
State Election Commission  
P. O. Box 5987  
Columbia, South Carolina 29250

Dear Mr. Ellisor:

This office has been requested to issue an opinion as to whether or not persons who filed for the House of Representatives during the filing period in March must refile during the official filing period of May 8-22.

An act (R 1016 H 2687) approved May 15, 1974, specified that filing periods for members of the House would be fixed by law, the time subsequently being set for May 8-22. The purpose behind this act was to designate a time for filing for the office of Representative as the House was being reapportioned and election districts redrawn so that all districts would become single member districts. To avoid the possible confusion of a potential candidate not knowing what office to file for, the already mentioned act was enacted.

At the time of the March filing there actually were no official House offices to file for as there did not exist a valid reapportionment plan. The reapportionment plan subsequently enacted changed the office from a county office to a state office.

Therefore, as the official filing dates for the House have been established for May 8-22 and, as any person who filed previously would not have at that time filed for a single member district pursuant to the reapportionment plan subsequently enacted by the General Assembly for the House, it is the opinion of this office that any person who filed in the previous filing period should now refile during the official filing period, if he wishes to be a candidate.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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