

1974 WL 27950 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 9, 1974

***1 Re: No. 78—Elections**

Mr. Joseph I. Mendelsohn
Attorney at Law
P. O. Box 633
Charleston, South Carolina 29402

Dear Mr. Mendelsohn:

We have been requested to advise you as to whether or not the one thousand electors whose signatures are needed upon a petition of one who wishes to be a candidate by petition for the House of Representatives must be electors of the district in which he seeks election.

Section 7 of the House Reapportionment Act, which further amends Section 31 of Act No. 955 of 1968, provides in part: Other candidates . . . shall be placed upon the ballot upon the filing . . . of a petition . . . nominating such candidates signed by registered electors as follows: For an office voted for by the registered electors residing in an area less than a county, . . . one hundred or more registered electors in such area; for a municipal office voted for by the registered electors of a municipality . . . , fifty or more registered electors residing in such municipality; . . . for the office of member of the House of Representatives, one thousand registered electors; . . . See, 58 STAT. Act No. 991 § 7 at 2167 (1974). Although there is no express requirement that the electors who sign a petition for a House candidate reside in the election district in which the candidate seeks election, we believe that there is an implied requirement that they be residents of that district. A contrary conclusion would mean that one thousand electors in District No. 70 in ?? County, for example, could validly sign a petition Dillon nominating a candidate for alection to the House from District No. 49 in York County. We do not think that the General Assembly intended to allow a practice such as that. Our opinion is, therefore, that the signatures of the one thousand electors required upon a petition of one who wishes to be a candidate by petition for election to the House of Representatives must be those of electors of the district in which the person seeks election.

Kind regards,

C. Tolbert Goolsby, Jr.

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