

1972 S.C. Op. Atty. Gen. 74 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3271, 1972 WL 20416

Office of the Attorney General

State of South Carolina

Opinion No. 3271

March 6, 1972

**\*1 Re: Petition Nominations**

Mr. W. H. Stroud  
Greenville County Property Owners Association  
P. O. Box 93  
Greenville, South Carolina 29602

Dear Mr. Stroud:

In your letter of February 25 addressed to the Attorney General, you set forth several questions as to petition nomination of candidates for County Council, the House of Representatives and the State Senate.

First, you inquire as to the number of names of registered voters which must appear upon petitions for each office. It is our opinion that in Greenville County there would have to be one thousand or more names of registered voters on nominating petitions for each of the three offices. See Section 23–400.16, Code of Laws of South Carolina, 1962.

As to whom petitions should be filed with, it is our opinion that they should be filed with the Greenville County Commissioners of Election, who are responsible for printing the ballots for these offices. See Sections 23–400.16, 23–400.15 and 23–400.14.

As to filing deadline for petition nominations, Section 23–400.16 states that it is ‘not later than the date and time fixed for the closing of primary entries.’ Primary entries will open at noon on Monday, March 6, 1972, and close at noon on Monday, March 20. See Section 23–396. Because of the holding of the Three-Judge District Court in the case of [United Citizens Party, et al v. South Carolina State Election Commission, et al](#), 319 F. Supp. 784 (1970), there is doubt that the position entry dates can legally be tied to primary entry dates, but the requirements stands absent a decision to the contrary by a court of competent jurisdiction.

In our opinion, all the candidates for the three offices could be placed on one petition and a thousand or more names would qualify all of the candidates for the General Election.

A copy of a petition in a past election and filed with the Secretary of State is enclosed as per your request. The petition should contain columns opposite the names of the signers where the signer should write in his registration certificate number and his address. This is to enable the persons checking the petition to determine if any given signer is a registered voter.

Very truly yours,

Robert W. Brown  
Assistant Attorney General

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