

1980 WL 120846 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1980

*1 Mr. C. Heyward Belser
Attorney at Law
Post Office Box 11848
Columbia, South Carolina 29211

Dear Mr. Belser:

This letter is to confirm our telephone conversation of August 26, 1980. You have informed me that the Republican candidate for Clerk of Court in Richland County has written a letter to the Republican Party with a copy to you as Chairman of the Richland County Election Commission withdrawing from the race for reasons of health. You have inquired who has the responsibility of determining if sufficient time exists to hold a primary to fill this position.

South Carolina Code of Laws, 1976, Section 7-11-50 authorizes a candidate to withdraw for various legitimate nonpolitical reasons. The Election Commission has to approve the request within ten days after the affidavit is received.

The statutes are silent as to who would decide if sufficient time exists for a primary to be held. However, as we discussed on the telephone, in the absence of a specific statute, it would appear that the proper body to make this determination would be the party itself as the party would be in the best position to determine pursuant to their rules and the applicable statutes if sufficient time remains to call a primary.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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