

1978 WL 35063 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 25, 1978

*1 Clinch Heyward Belser
Chairman
Richland County Election Commission
P. O. Box 4069
Columbia, SC 29240

Dear Mr. Belser:

Your recent letter has been referred to me for reply. You have stated that on April 30, 1978, the Republican Party notified the Richland County Election Commission that Beth A. Ader would be their candidate for the Board of Trustees for School District No. 6 and that James Covil would be one of their five candidates for County Council. Thereafter, on June 22, the Republican Party informed the Richland County Election Commission that Mr. Covil was no longer a candidate for County Council and has been replaced by Keith Jackson Buckles. On August 14, the Election Commission was informed that both Buckles and Ader had withdrawn as candidates, that the Republican Party had reopened filing on July 31 and that one candidate had filed for each office; therefore, a primary would not be held. The two new candidates are Phil Roof for Board of Trustees and Warren Giese for County Council. You have inquired if the process outlined above for the substitution of these candidates is authorized by South Carolina law.

An Act bearing ratification number 472 was enacted during the 1978 Legislative Session. This Act sets out the reasons that would allow a candidate to withdraw his candidacy. It is for the election commission to determine if the affidavits submitted by the candidates constitute legitimate nonpolitical reasons for the withdrawal of the candidacy of Ader and Buckles.

If the Commission decides that they are adequate, the candidates can be replaced. One point that is not clear from the information before me is if James Covil was properly substituted as a candidate by Mr. Buckles. The replacement came after the June 13 primary and there is apparently not an affidavit as to the reasons for his withdrawal as a candidate. Of course, the same provisions concerning a substitution of candidates would also apply to Mr. Covil's withdrawal of candidacy. If Mr. Covil was not properly substituted as a candidate, it could affect all the subsequent substitutions for that office.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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