

1978 WL 35130 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 22, 1978

*1 Honorable Ralph H. Ellis
Senator
District No. 11
P. O. Box 235
Little River, SC 29556

Dear Senator Ellis:

This letter is to confirm my telephone conversation with you concerning the calling of a special election in Horry County. As I have informed you, there are very few statutory guidelines for calling a special election. It would apparently be called by the County Election Commission. Pursuant to R703 of 1978, which has just been approved by the Justice Department, the Election Commission should publish two notices of the election in newspapers of general circulation in the County. These notices should include a reminder of the last day persons may register to vote in the election. The Act requires that the first notice appear sixty (60) days prior to the election and the second notice appear two weeks after the first.

There must be sufficient time allocated for candidates to be able to petition to be placed on the ballot and for political parties to conduct primaries or conventions in order to nominate candidates. If a party wants to nominate candidates by convention and meets the qualifications, there must be a notice of the meeting published three (3) weeks prior to the nominating convention. S. C. Code of Laws, 1976, Section 7-11-30. Political parties conducting primaries must give notice of the primary and set up a filing time for the candidates. S. C. Code of Laws, 1976, Section 7-13-40. It is also necessary for there to be sufficient time for a second primary, if necessary to be held two weeks after the first primary. S. C. Code of Laws, 1976, Section 7-13-50. Candidates in a special election must be certified thirty (30) days before the election. S. C. Code of Laws, 1976, Section 7-13-350.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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