

1974 WL 28118 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 15, 1974

*1 Mr. Bill Gibson
Route 1
Post Office Box 5
Mt. Croghan, South Carolina 29727

Dear Mr. Gibson:

Mr. Coleman has informed me that you have inquired as to whether or not you can be a write-in candidate if you have lost in the primary. You may be a write-in candidate; however, if you actively campaign and request people to write your name on the ballot you may be in violation of the oath of candidacy which I assume that you signed. This oath is set out at Section 23-400.72 of the South Carolina Code of Laws, as amended, and states in part that you . . . pledge . . . to abide by the results of said primary and I authorize the issuance of an injunction ex parte application by the party chairman . . . should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office which a nominee has been elected in said party primary, unless the nominee for such office has become deceased or otherwise disqualified for election in said ensuing general election.

Therefore, if your name is written in on the ballot without your actively campaigning or requesting people to write-in your name on the ballot you would not be in violation of this code provision and the procedure would be legal.

Sincerely,

Treva Ashworth
Assistant Attorney General

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