

1983 WL 181778 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 7, 1983

\*1 The Honorable Larry E. Gentry  
House of Representatives  
323-C Blatt Building  
Columbia, South Carolina 29211

Dear Representative Gentry:

Mr. Medlock has referred your letter to me for reply. You have stated that the Saluda County Board of Registration and Election Commission both presently have three members and you are interested in expanding these Boards now to five members. You have inquired as to whether or not these Boards can be expanded at this time.

SOUTH CAROLINA CODE OF LAWS, 1976, Section 7-5-10, provides in part that:

between the first day of January and the fifteenth day of March in every even-numbered year the Governor shall appoint, by and with the consent of the Senate, not less than three nor more than five competent and discreet persons in each county . . . who shall be known as the board of registration . . . .

Section 7-13-70 provides in part that:

for the purpose of carrying on general or special elections . . . the Governor shall, at least thirty days prior to any such election, appoint for each county not less than three nor more than five commissioners of election upon the recommendation of the Senator and at least half of the members of the House of Representatives . . . .

In a 1970 opinion, Mr. McLeod held that the provisions of Section 7-5-10 were directory not mandatory. 1970 Atty. Gen. Ops 99 (copy enclosed). Mr. McLeod also previously took the position that even in odd numbered years the board's size could be increased from three to five members. March 2, 1977 opinion from Mr. McLeod to Senator Land.

The language of Section 7-13-70 is even less strictly written and would appear to even more readily allow for expanding the board at anytime.

Therefore, it would appear that both boards could be expanded now to five member boards.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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