

1981 WL 158024 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1981

*1 Honorable Richard L. Rigdon
Representative
District No. 22
I Wade Hampton Boulevard
Greenville, South Carolina 29609

Dear Representative Rigdon:

Mr. McLeod has forwarded your letter to me for reply. You have requested an opinion on whether or not it is necessary to have a Social Security number in order to register to vote in Greenville County, South Carolina.

South Carolina Code of Laws, 1975, Section 7-5-170 sets out the form for the application for registration. The sixth question requests the following information:

My Social Security or identification number is _____. If none, so state.

Therefore, under the provisions of the application it is necessary to either give the Social Security number or state that the individual does not have a Social Security number.

[5 U.S.C.A. § 552a](#) concerns disclosure of Social Security numbers and is set out in full below:

(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it. (emphasis added).

The provision in our law requiring the Social Security number to be placed on the application has been a part of our law since 1967, Act No. 457 of 1967 and, therefore, predates the 1975 requirement of [5 U.S.C.A. § 552\(a\)\(B\)](#).

Therefore, if a person has a Social Security number he is required to place that number on his application. I am enclosing with this letter a 1967 opinion of this Office addressed to Senator Mason and written by Daniel R. McLeod which elaborates further on this question.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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