

1979 WL 42810 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 15, 1979

*1 The Honorable John E. Miles
Senator
Sumter and Clarendon Counties
Post Office Box 142
Room 501, Gressette Senate Office Building
Columbia, South Carolina 29202

Dear Senator Miles:

You have asked the opinion of this Office concerning the permissible expenditures a county may make from State appropriated funds designated as compensation for the members of the county's board of registration for the fiscal year 1978-1979.

Item II of Section 12 of Act Number 644 of the Acts and Joint Resolutions of 1978 [see enclosure] designates \$161,000.00 for the 'County Board of Registration members.' This Act further provides that these funds 'shall be disbursed at the rate of \$3,500.00 to each county to apply on compensation of members of County Boards of Registration.' Section 1B of this same Act states that 'all agencies and institutions are directed to expend State appropriated funds in strict accordance with the line item appropriations as authorized in this Act . . .'

The legislative intent expressed by the General Assembly in Act 644 concerning the expenditure of State appropriated funds for the fiscal year 1978-1979 is found in more emphatic language in [§ 11-9-10 of the Code of Laws of South Carolina, 1976](#). This statute, which applies to every State appropriation, makes it 'unlawful for any [State] moneys to be expended for any purpose or activity except that for which it is specifically appropriated . . .'

Based on the foregoing reasons, it is the opinion of this Office that State appropriated funds designated by the General Assembly to be applied on compensation of members of the county boards of registration may be lawfully expended by a county for that purpose only.

Sincerely yours,

James M. Holly
State Attorney

SECTION 12

State Election Commission

(Budget Reference: Volume I, Page 308)

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*2 *Provided*, That, the amount appropriated in this section for the Executive Director shall be paid at an annual rate of \$29,751.00 effective on the first pay period ending on or after July 1, 1978, and shall be paid at an annual rate of \$31,238.00 effective on the first pay period ending on or after January 1, 1979.

Provided, Further, That the amount appropriated in this section under Item III for 'County Election Commissioners' shall be disbursed to each county at the rate of \$200.00 for each member of the County Election Commission to apply on compensation of Commissioners of State and County General Elections. *Provided,* That such payments shall not be construed as salary compensation.

Provided, Further, That managers and clerks of state and county elections shall receive a per diem of \$25.00; but managers shall not be paid for more than two days for any election and clerks for not more than three days for any election.

Provided, Further, That \$100.00 additional compensation per day may be paid to each member of the Board of State Canvassers up to a total of 15 days that may be required for hearings held by the members of the Board of State Canvassers.

Provided, That the amount appropriated in this section under Item II for 'County Board of Registration Members' shall be disbursed at the rate of \$3,500.00 to each county to apply on compensation of members of County Boards of Registration.

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