

1976 WL 30766 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1976

\*1 Honorable Wheeler M. Tillman  
Member  
House of Representatives  
State House  
Columbia, South Carolina

Dear Representative Tillman:

You have requested that we advise you as to whether or not the Charleston County Board of Voter Registration in verifying signatures which appear upon a petition submitted pursuant to the 1975 Home Rule Act is required by law to verify each and every signature on the petition. In our opinion it does not if the Board determines before all signatures are examined that the petition is, for some reason, insufficient.

A board or an official that is charged with the duty of calling for a special election on the presentation of a valid petition therefor has the duty to have the petition examined before either calling or refusing to call the election. 26 AM.JUR.2d Elections § 192 at 20 (1966); cf., 29 C.J.S. Elections § 69 at 160 (1965). Such a board or official may have determined, inter alia, that the signatures are genuine and that the total names affixed to the petition constitute the required percentage of voters. 26 AM.JUR.2d Elections § 192 at 20 (1966). Unless the petition is signed by the number of qualified electors prescribed by statute, the election need not be called. Id. § 188 at 17.

Obviously, once a petition requesting the calling of a special election is determined upon examination to contain less than the required number of bona fide signatures, there is no need to proceed further because an additional examination of the petition and its signatures would add nothing to the sufficiency of the petition. Neither the law nor equity requires one to do a useless act. [Shell Oil Co. v. McKnight](#), 204 F.Supp. 159 (E.D.Tex., 1961).

Best wishes,

C. Tolbert Goolsby, Jr.

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