



ALAN WILSON  
ATTORNEY GENERAL

July 02, 2025

Queenie L. Crawford, Ed.D.  
Chairperson  
Ms. Janis K. Blocker  
Vice-Chair  
Colleton County Board of Voter Registration and Elections  
P.O. Box 97  
Walterboro, SC 29488

Dear Chairperson Crawford and Vice-Chair Blocker:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter requests an opinion addressing the following:

We write to you on behalf of the Colleton County Board of Voter Registration and Elections. The Board seeks clarification from your office in reference to limitations for partisan political participation by board members.

In accordance with SC Code 7-3-10(e) "No member of the commission may participate in political management or in a political campaign during the member's term of office ...." That is followed by list of political activities that are NOT permitted: 2. "Serving as an officer of a political party. See Op. SC Attorney General (June 7, 2004) (construing prohibition against 'political management' to include serving as officer of political party).

The first question for clarification is whether a sitting member of the Board who files as a candidate for an elective office in a partisan political party is required to resign from the board seat before the election or whether that board member may remain on the Board and resign the seat only if elected to the office.

The second question is whether a board member can serve the partisan political party in an appointive office by the chairperson such as secretary or treasurer.

### Law/Analysis

It is this Office's opinion that the prohibition in S.C. Code § 7-13-75 regarding a member of a county or municipal board of voter registration and elections participating "in political management or in a political campaign over whose election the member has jurisdiction during the member's term of office" is applicable to elective and appointive positions with a partisan political party. Your letter cites to S.C. Code § 7-3-10(e) which pertains to members of the State Election Commission. That statute is generally inapplicable to members of a county board of voter registration and elections. Rather, as the June 7, 2004, Attorney General opinion referenced in your letter discusses, S.C. Code § 7-13-75 contains the prohibition on political activity for such boards. It states:

No member of a county or municipal board of voter registration and elections may participate in political management or in a political campaign over whose election the member has jurisdiction during the member's term of office. No member may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate over whose election the member has jurisdiction. Violation of this section subjects the member to removal by the Governor or appropriate appointive authority.

Id. The opinion stated that the Office was unaware of any South Carolina Case that interpreted the meaning of "political management" in section 7-13-75. See Op. S.C. Att'y Gen., 2004 WL 1297825 (June 7, 2004). The opinion advised that until a court interprets the statute, it suggested using the "longstanding restrictions placed on employees of the Federal Election Commission" as a guide. In particular, the Code of Federal Regulations contains prohibitions on participation in political organizations for employees of the Federal Election Commission at 5 C.F.R. § 734.409. Subsection(a) therein states covered employees may not "[s]erve as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a partisan political group, or be a candidate for any of these positions." Id. (emphasis added). Finally, because the opinion construed the term "political management" to include holding office in a political party, it advised that members of the county board of voter registration and elections would not be authorized to serve as an officer of a political party. Id. at 4. With this analysis in mind, this opinion will then address the question presented in your letter.

Your letter asks whether a board member who files as a candidate for an elective office in a partisan political party is required to resign from the board seat before the election. This Office's opinions interpreting section 7-13-75 concluded that "holding office" or "serv[ing] as an officer of a political party" is prohibited because a court would likely find serving in such a capacity would ultimately amount to "participat[ing] in political management." This Office has never

interpreted the phrase “participate in political management” so broadly as to include filing as a candidate for office of a political party. While the Code of Federal Regulations cited in the July 7, 2004, opinion prohibits covered federal employees from being a candidate for a political party, there is no indication in the plain language of section 7-13-75 that the General Assembly intended such a result for members of a county or municipal board of voter registration and elections. When interpreting legislation, the primary goal is to determine the General Assembly’s intent. See Mitchell v. City of Greenville, 411 S.C. 632, 634, 770 S.E.2d 391, 392 (2015) (“The cardinal rule of statutory interpretation is to ascertain and effectuate the legislative intent whenever possible.”). Where a statute’s language is plain and unambiguous, “the text of a statute is considered the best evidence of the legislative intent or will.” Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). Here, the word “participate” is defined to mean “1. to take part in something. 2. To share in something.” American Heritage College Dictionary 995 (3d. ed. 1993). It is this Office’s opinion that a court is unlikely to hold a board member takes part in or shares in political management solely as result of filing as a candidate to be an officer of a political party. Therefore, it is this Office’s opinion that a board member would not be subject to removal until they are elected or appointed as an officer of a political party.

Your letter also asks whether a board member can serve as an officer in a partisan political party if they are appointed to the office, rather than elected. This Office’s opinions have never made a distinction between serving as an officer of a political party in an elected or appointed capacity. It is the service in such an office that a reviewing authority would consider to determine whether the board member participates in political management. Therefore, it is this Office’s opinion that the prohibition applies to serving as an officer in a partisan political party in both elected and appointed offices.

Again, we must note that this Office has not identified a decision from our state courts ruling on these issues. Whether a particular board member’s activities violate section 7-13-75 is a question of fact which is beyond the scope of this Office’s opinions. See Op. S.C. Att’y Gen., 2006 WL 1207271 (April 4, 2006) (“Because this Office does not have the authority of a court or other fact-finding body, we are not able to adjudicate or investigate factual questions.”). If a board member’s activities violate the statute, the member is subject to removal by the Governor or the appointive authority. Therefore, the determination whether a specific board member has violated section 7-13-75 can be made by the Governor, appropriate appointive authority, or a court.

**Conclusion**

As is discussed more fully above, it is this Office's opinion that the prohibition in S.C. Code § 7-13-75 regarding a member of a county or municipal board of voter registration and elections participating "in political management or in a political campaign over whose election the member has jurisdiction during the member's term of office" is applicable to elective and appointive positions with a partisan political party. Further, it is this Office's opinion that a board member would not be subject to removal until they are elected or appointed to such an office.

Sincerely,



Matthew Houck  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General