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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

May 16, 2001

Ms. Agnes M. Garvin, Executive Director
Beaufort County Board of Elections & Voter Registration
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

RE: Informal Opinion

Dear Ms. Garvin,

By your letter of May 3, 2001, you have requested an opinion of this Office concerning South Carolina's voter registration and election laws. By way of background you inform us of the following:

In Beaufort County, on Hilton Head Island, there are currently twenty-seven (27) precincts and six (6) wards or Municipal Districts. Beaufort County, like every county in South Carolina is beginning redistricting. Upon completion, to help eliminate splits within the precincts, we plan to reapportion or realign our precinct. Upon completion we will notify every voter whose precinct has changed of their new ward or precinct and also of their new districts by providing them with new voter registration cards.

Specifically, you ask if the Board of Elections and Voter Registration is required to mail notification cards to every elector after the redistricting of the municipal districts, again after the redistricting of the House and Senate districts and again after completion of the County Council redistricting.

The statute in question, S.C. Code Ann. §7-7-960 reads, in part:

Any elector whose precinct or ward is changed by a change of ward or precinct boundaries must have notification mailed to him by the county registration board reflecting his new precinct or ward.

The statute specifically refers to a change in the elector's "precinct or ward." Thus, the statute necessarily dictates that notification must be mailed to the elector upon a change in ward or precinct, but does not require notification upon a change in the elector's district, or redistricting. Some

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confusion may be caused by the varying use of the terms "precinct," "ward," and "district" throughout South Carolina.

The terms "precinct" and "ward" are often used interchangeably and have the same connotation. See Op. Atty. Gen. Apr. 11, 1978 (citing McQuillin, *Municipal Corporations*, Vol., 2, § 7.49; OXFORD ENGLISH DICTIONARY, 'Precinct'; BLACK'S LAW DICTIONARY, 4th Ed., 'Ward'). Some law, however, has distinguished a ward from a precinct, conceptually, and further described its relationship to a district:

[w]hile a ward, like a township, may be an election district, yet it is a more comprehensive term; an election district may be but part of a ward politically and physically.

A precinct is a geographical area for voting purposes. However, a ward may be a geographical area not only for voting purposes but for police, sewer, or park purposes.

See id.(citing 29 C.J.S., Elections, § 1(10) c).

Thus, South Carolina law typically defines precinct as a limited geographical area for voting purposes. A district, however, is the entire geographical area represented by an elected official. A district may be comprised of several precincts. Although district and precinct are rarely interchanged, the term "ward," as used by both governmental entities and state statutes, may refer to either, depending on its context. For example, in an opinion of this Office dated January 28, 1987, we concluded that only the General Assembly has the authority to alter voting precinct boundaries. In contrast, we recognized that municipalities have the authority to alter municipal wards. See OP. ATTY. GEN. Jan. 28, 1987. In that opinion, we emphasized the difference between precincts and wards. However, in that same opinion we also referred to Section 7-7-960 and presupposed that for purposes of that statute, ward and precinct are used interchangeably.

In short, a change in precincts clearly requires notification. A change in districts does not require notification. Whether a change in a ward requires notification depends on how the term is used in that governmental entity. When the municipality, for example, labels the voting area a ward but essentially uses the term to mean precinct, or a designated geographical voting area, the electors must be notified upon a change in their municipal ward pursuant to Section 7-7-960. If, however, a municipality labels an area a ward but essentially uses the term to mean district, Section 7-7-960 does not require that the electors are notified upon a change in that ward or district.

You have informed us that Hilton Head Island contains six "wards or Municipal Districts." From the information you have provided us, you only refer to changes in the districts of Beaufort County. Because nothing in the Code of Laws, including Section 7-7-960, requires notification of the electors upon a change in their districts, we advise that the Board of Elections and Voter Registration is not required to mail new voter registration cards to the electors upon the completion

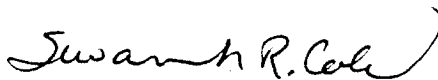
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of each stage of the redistricting. As a final note, as a matter of policy and in an effort to provide the electors with as much information as practical, you may wish to provide the electors with some form of notification of the district changes, such as publication in the local newspaper or the mailing of simple postcards.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I remain

Very truly yours,

A handwritten signature in cursive script, reading "Susannah R. Cole". The signature is written in dark ink and is positioned above the printed name.

Susannah Cole
Assistant Attorney General