

The State of South Carolina



Office of the Attorney General

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February 23, 1994

Mr. James W. Richardson, Chairman
Board of Voter Registration
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

Dear Mr. Richardson:

I am in receipt of your letter regarding compensation of members of the Beaufort County Voter Registration Board. You stated that a member of the five-member board died. Following that member's death the compensation for the remaining four members of the Board was increased by dividing the annual stipend provided for Board members salary by four instead of five, thereby increasing the stipend from \$243.00 to \$303.75. Your County Administrator questioned this procedure and suggested you make a inquiry to the State Ethics Commission and the State Election Commission regarding if this procedure was correct. Both Commissions stated they believed the action was correct. You then wrote this Office inquiring if the County Administrator had the authority to intervene in this matter and this Office's view of the law on this issue.

S.C. Code Ann. §7-5-40 (1976) states that "[e]ach county shall receive an annual supplement from the State to help defray the expense of personnel in keeping the registration office open ...". Section 16.1 of the 1993-94 General Appropriations Bill, Act No. 164, 1993 Acts 531, at 627 states in part

[t]he amount appropriated in this section for 'County Board of Registration members,' shall be disbursed annually at the rate of \$4,860 to each County Treasurer. These funds shall be disbursed equally to the members of the County Boards of Registration only. (Emphasis Added)

Answer to Letter

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S.C. Code of Laws, §7-5-10 (Supp. 1993) states in part that "... the Governor shall appoint ... not less than three nor more than five ... persons in each county ... as the Board of Registration of _____ County."

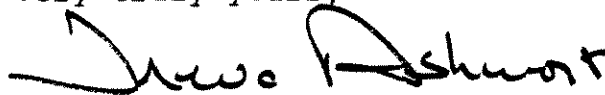
When these statutes are read together with Section 16.1 of the Appropriations Act, it is clear that the amount of \$4,860 is appropriated to each county treasurer and that amount is to be equally divided among either three, four or five persons dependent upon how many persons have been appointed to the county board. When Beaufort County had a five member board the amount was divided by five, when they became a four member board, the amount was to be divided by four.

According to the Appropriations Act this money is disbursed to the County Treasurer "and any funds not used for this purpose ... [are to] be returned to the State Treasurer." Act No. 164, 1993 Acts 531, at 628. The Appropriations Bill and Section 7-5-40 makes the disbursement of these funds to the members of the Board of Registration mandatory. The County does not have discretionary use of these funds but is required to expend them for the salary of the Board.

Although the County Administrator would have general authority over the expenditure of county funds, as is set out in S.C. Code Ann. §4-9-630 (5) (1976), the County Administrator would not appear to have any control over this specific grant of money in that the Appropriations Act mandates that certain payments be made to the county board members. The County Administrator would, therefore, not have authority over the disbursement of these funds as the disbursement is controlled by statute and Act.

I hope this information is helpful to you. Please advise me if you have further questions.

Very truly yours,

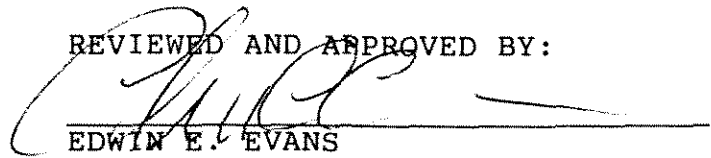


Treva G. Ashworth
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REVIEWED AND APPROVED BY:



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