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# The State of South Carolina



## Office of the Attorney General

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March 5, 1993

The Honorable Joe Wilson  
Senator, District No. 23  
606 Gressette Building  
Columbia, South Carolina 29202

Dear Senator Wilson:

In a letter to this Office you questioned whether in applying for or renewing a notary commission, is it required that the applicant be registered in the county in which he is a resident. Article XVII, Section 1 of the State Constitution provides:

No person shall be elected or appointed to any office in this State unless he possesses the qualifications of an elector ....

In McLure v. McElroy, et al., 211 S.C. 106, at 120, 44 S.E.2d 101 (1947) the State Supreme Court interpreted Article XVII, Section 1 as meaning

... all officers, constitutional and statutory, and whether elected or appointed, must be qualified electors ....

See also: Blalock v. Johnston, 180 S.C. 40, 185 S.E. 51 (1936); State ex rel. Harrelson v. Williams, 157 S.C. 290, 154 S.E. 164 (1930). In Mew v. Charleston and Savannah Railway Co., 55 S.C. 90, 32 S.E. 828 (1899) the State Supreme Court determined that the phrase "qualified elector" means "registered elector." To be a registered elector in this State an individual must meet the residency requirements of Section 7-5-120 of the Code. In particular, Section 7-5-120 (3) specifies that an elector be "a resident in the county and in the polling precinct in which the elector offers to vote." Therefore, the applicant for a notary public commission must be a registered elector in the county in which he is a resident.

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You also asked whether an applicant can use a driver's license number instead of a voter registration number. Pursuant to S.C. Code Ann. Section 26-1-10 "(t)he Governor may appoint from the qualified electors ...." notaries public. (emphasis added) As referenced above, all officers of this State must be qualified electors and one of the qualifications to be an elector is to be a registered voter. Consistent with such, it appears that requiring a voter registration number would be consistent with such elector status. In checking with the Secretary of State's office it was indicated that a driver's license number does not suffice.

With kind regards, I am

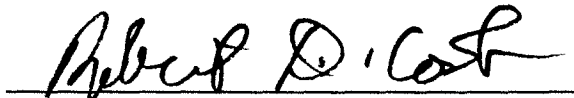
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

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REVIEWED AND APPROVED BY:



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