

5130 Subra

# The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3680  
FACSIMILE: 803-253-6283

May 12, 1993

The Honorable Irene K. Rudnick  
Member, House of Representatives  
Box 544  
Aiken, South Carolina 29802

Dear Representative Rudnick:

Attorney General Medlock has referred your recent letter to me for reply. You have enclosed a letter from James F. Hendrix, Deputy Director of the State Election Commission which states that the policy of the State Election Commission is that the Commission cannot pay for managers to conduct special elections. You have inquired if the Commission shouldn't be required to pay for these managers.

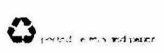
I have talked to Mr. Hendrix and he has informed me that it has always been the policy of the State Election Commission to not pay for managers of special elections.<sup>1</sup>

S.C. Code Ann. §7-23-10 (1992 Supp) states in part that "[m]anagers and clerks of general elections shall receive a per diem as is provided in the annual State General Appropriation Act." [Emphasis added] In the absence of a statute to the contrary it would appear that expenses for a special election, not being otherwise provided for, would fall under the expense payable by the County. S.C. Code Ann. §7-23-40 (1976) provides that

[t]he governing bodies of the several counties shall audit and pay all accounts for necessary expenses incurred by the commissioners and managers of election for stationery, the making of election boxes, rents and similar expenses in elections held in this State. (Emphasis added)

<sup>1</sup> They have, however, apparently made an exception to their general rule for special elections for the State House and Senate.

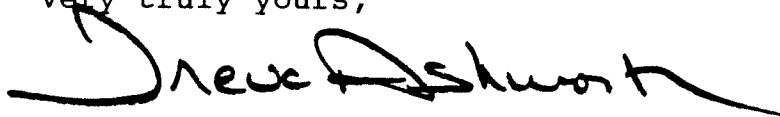
Request Letter



The Honorable Irene K. Rudnick  
May 12, 1993  
Page 2

It cannot be said that the policy of the Commission is incorrect in that State law does not require the Commission to pay for managers in special elections. The State is specifically required to pay for managers in general elections only.


Very truly yours,



Treva G. Ashworth  
Senior Assistant Attorney General

TGA:bvc

REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
ROBERT D. COOK  
Executive Assistant for Opinions  
\_\_\_\_\_  
EDWIN E. EVANS  
Chief Deputy Attorney General