

The State of South Carolina



Office of the Attorney General

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May 15, 1989

Honorable George M. Ducworth
Solicitor, Tenth Judicial Circuit
Post Office Box 4046
Anderson, South Carolina 29622

Dear Solicitor Ducworth:

You have requested an opinion of S.C. CODE ANN. Section 14-7-130, as amended in 1988, which provides for the preparation of jury lists from a tape of persons holding valid drivers' licenses or identification cards. This amendment was created in 1988 ACTS AND JOINT RESOLUTIONS, Act No. 453, which provided the following time effective:

Section 3. Except as provided in Section 2, this act takes effect when the Constitution is amended whereby the provisions of this act are authorized.

The provisions of 1988 Act No. 689, which was proposed to amend Article V, § 22, of the Constitution of South Carolina to provide the jurors must be residents of the State and have such other qualifications as the General Assembly may prescribe, was passed by the electorate and ratified by the General Assembly on February 8, 1989, and approved by the Governor on February 15, 1989.

Section 14-7-130 provides that "in November of every year the South Carolina Department of Highways and Public Transportation shall furnish the State Election Commission a computer tape of the name ... of persons who are over eighteen years of age and citizens of the United States

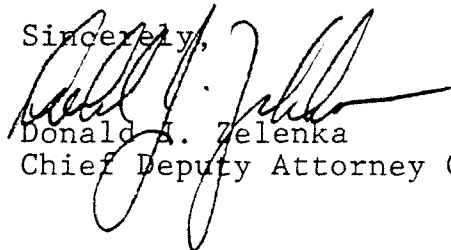
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residing in each county and hold a valid South Carolina driver's license or an identification card" and further that "in December of every year the State Election Commission shall furnish a jury list to county jury commissioners consisting of a tape or list derived by merging the list of registered voters in the county with county residents appearing on the tape furnished by the department, but only those licensed drivers who are eligible to register to vote may be included in the list ... as furnished to the jury commissioners by the State Election Commission, the list or tape constitutes the roll of eligible jurors in the county"

Pursuant to South Carolina law, the roll of eligible jurors in the county is prepared annually from the official list provided to the Clerk not later than December first of the calendar year. Section 14-7-150, CODE OF LAWS (1976), as amended in 1986. Therefore, the manner of selection that occurred pursuant to Section 14-7-130 that limited the "jury list" to "the latest official list of registered voters" that was prepared in December, 1988, shall be the "jury list" for calendar year 1989. This 1989 jury list was prepared in accordance with the applicable law and prior to the ratification of the new constitutional amendment in February, 1989. That "jury list" applies to all matters in the 1989 calendar year. The new statute will first be utilized in the preparation of the 1990 "jury list" by the November, 1989, list of persons with drivers' licenses and identification cards prepared by the Highway Department and merged with the State Election Commission voter registration list that is provided to the clerks of court and jury commissioners in December, 1989.

Sincerely,

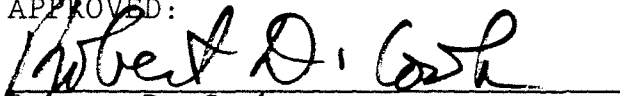


Donald A. Zelenka

Chief Deputy Attorney General

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APPROVED:



Robert D. Cook

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cc: Louis Rosen, Esquire
South Carolina Court Administration