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General Election

Office of the Attorney General

Armon D. ...

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S C 29211
TELEPHONE 803-758-3970

October 1, 1985

The Honorable A. Victor Rawl
Member, House of Representatives
146 St. Andrews Boulevard
Charleston, South Carolina 29407

Dear Representative Rawl:

By your letter of September 24, 1985, you have asked whether deputy registrars may be appointed at any time during the year or only during those years and times when an election is imminent.

The relevant statute is Section 7-5-20, Code of Laws of South Carolina (1984 Cum.Supp.):

The board of registration of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. . . .

Unlike Sections 7-5-10 and 7-13-70 of the Code, pertaining to appointment of the county boards of registration and county election commissions respectively, there is no specified time for appointment of deputy registrars. The language of Section 7-5-20 suggests that the boards of registration may exercise discretion in the number of deputy registrars who are to be appointed, if any, and the terms those deputies are to serve. See 2A Sutherland Statutory Construction § 57.03; Op. Atty. Gen. dated August 26, 1976. Thus, county boards of registration are not restricted by statute to appointing deputy registrars only during those years and times when an election is imminent; their discretionary power may be exercised at any time.

Continuation Sheet Number 2
To: The Honorable A. Victor Rawl
October 1, 1985

We trust that the foregoing adequately responds to your inquiry. If we may be of additional assistance, please advise us.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:hcs

Enclosure: Op. Atty. Gen. dated
August 26, 1976

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions