

1984 WL 249854 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1984

\*1 Honorable Davil O. Hawkins  
Member  
House of Representatives  
312-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Hawkins:

You had requested an opinion from this office several months ago regarding the appropriation by the General Assembly of \$5000 for each county to be paid by the various counties to the respective County Boards of Voter Registration (hereinafter County Boards). This was appropriated in Part I, § 13 of the 1983-84 General Appropriations Act. This appropriation was conditioned on each county using the funds for the stated purpose, with the provision that '[a]ny funds not used for this purpose shall be returned to the State Treasurer.' Supra. Your question arises in the case of a county that had already appropriated at least \$5000 for the County Board of Voter Registration for 1983-84 prior to the enactment of the General Appropriations Act. The county would have made its 1983-84 appropriation apparently in the expectation that a lesser sum would be appropriated by the General Assembly for this purpose and in the further expectation that some county funds must thereby be committed in order to appropriate that larger sum for the County's Board.<sup>1</sup> Specifically you asked whether the county must in effect increase its total appropriation to the County Board so as to pass on the entire appropriation by the General Assembly to the county for this purpose insofar as it exceeded the expected amount.

We have researched this question at length and do not find a clear answer. State law anticipates that the County Boards will be funded by the respective counties, with a supplement from the State. [§ 7-5-40, Code of Laws of South Carolina](#), 1976. However, it would appear that the counties are required by the subject provision of the Appropriations Act only to spend the amount appropriated by the General Assembly for the County Board. If a county were to take the amount appropriated in the General Appropriations Act and use it to replace some previously committed county funds in this year's county budget, that would most probably not violate this condition of the Appropriations Act, so long as the county spent at least the amount appropriated by the General Assembly to the county for this purpose. If the General Assembly had intended a different result it could have provided that the county may not reduce its expenditures from county funds upon receipt of this supplement. See e.g. § 120, Part I, Act 151 of 1983.

Sincerely yours,

David C. Eckstrom  
Assistant Attorney General

Footnotes

- <sup>1</sup> In the 1981-81 General Appropriations Act the General Assembly appropriated only \$3500 to each county for this purpose. This amount was increased for FY 1982-83 to \$5000 for each county. The amount remained constant for the current 1983-84 appropriation by the General Assembly.

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