

1982 WL 189180 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1982

\*1 Honorable James B. Ellisor  
Executive Director  
State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250

Dear Mr. Ellisor:

Your letter of February 17, 1982 presents the following question:

Does an appeal to the county board of voter registration act as a stay or supersedeas of the deletion by me, under the provisions of [Section 7-3-20\(c\)\(2\) of the 1976 South Carolina Code](#) of Laws, of the name of any elector who has been convicted of a disqualifying crime?

The section of the Code of Laws to which you refer authorizes you to delete the name of an elector from the list of qualified electors who 'has been convicted of a disqualifying crime.'

The statutes further require that you notify an elector whose name has been deleted, stating the reason for the deletion and informing the elector of his right to appeal to the County Board of Registration from the deletion.

The same question has heretofore been considered by this Office and an opinion rendered, dated November 8, 1965, and the law applicable then is applicable to the present circumstances. (copy enclosed).

Based upon the reasoning set forth in that opinion, it is my opinion that the fact that a conviction from a disqualifying offense has been appealed does not stay your action in deleting that elector's name from the list of qualified electors and that the presence of the appeal is not a ground upon which a County Board of Registration could order the name to be restored to the list of qualified electors.

I, therefore, advise that in my opinion the deletion from the list of qualified electors from the list of voters is not stayed by the appeal of that voter from the conviction for a disqualifying offense.

Very truly yours,

Daniel R. McLeod  
Attorney General

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