

1979 WL 42855 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 9, 1979

\*1 Mr. W. Don Owens  
Chairman  
Registration and Election Office County of Greenville  
1-A Courthouse Annex  
Greenville, South Carolina 29601

Dear Mr. Owens:

You have asked the opinion of this Office concerning whether a county board of registration and a county election commission can merge into one body for the purpose of performing registration and election duties.

[Article II of the South Carolina Constitution](#) provides the citizens of this State with the right of suffrage and for the protection and exercise of this right. It further provides that the General Assembly may enact statutes related thereto. [See State v. Abrams, 270 S.C. 87, 240 S.E.2d 643 \(1978\)](#). Pursuant to this Article, the General Assembly has enacted Chapter 5 of Title 7, Code of Laws of South Carolina, 1976, as amended, which deals with the creation and duties of county boards of registration. Chapter 13 of Title 7 contains similar provisions dealing with county election commissions.

The statutes in Chapters 5 and 13 do not provide, or even imply, that a county board of registration and a county election commission can merge into one body. In fact, they expressly provide the opposite by establishing a separation of the registration function and the election function and of the respective governmental entities responsible for performing these functions. The legislative intent contained in these statutes is plain and unambiguous;<sup>1</sup> therefore, the statutes must be applied literally.

[Infinger v. Edwards, 268 S.C. 375, 234 S.E.2d 214 \(1977\)](#); [Martin v. Ellisor, 266 S.C. 377, 223 S.E.2d 415 \(1976\)](#). County Boards of registration and county election commissions are to be, and must be, separate with reference to their officers and to the performance of their duties. The statutes providing for these bodies do not permit any other interpretation.

The question presented by you also raises an issue with regard to Article XVII, § 1A, which prohibits dual-office holding. However, a discussion of this issue is not necessary to reaching an opinion on your question.

Based on the foregoing reasons, it is the opinion of this Office that a county board of registration and a county election commission cannot merge into one body for any purpose.

With personal regards,

James M. Holly  
State Attorney

Footnotes

- <sup>1</sup> Furthermore, the writer is informed and believes that the General Assembly has repeatedly refused in the past to enact bills providing for the merger of these bodies.

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