

1980 WL 120866 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
September 11, 1980

*1 Mr. Algernon G. Solomons, Jr.
Hampton County Attorney
Post Office Box 969
Estill, South Carolina 29918

Dear Mr. Solomons:

You have recently requested an opinion as to the authority of a deputy registrar to reissue defaced or lost certificates.

South Carolina Code of Laws, 1976, Section 7-5-20 authorizes the board of registration of each county to appoint deputy members of the board and confers upon these deputies ‘ . . . the same powers and duties as regular members of the board.’

[Section 7-5-260 of the Code](#) states in part that

[a]ny elector shall be entitled to a reissue of his certificate without fee or charge when (1) it becomes defaced or mutilated upon its surrender to the board of registration or (2) upon application and proof of the destruction or loss of his certificate; provided, any such elector shall apply in person and his name must appear upon the registration book and he must be otherwise still qualified . . .

The exact procedure to be utilized in reissuing defaced or lost certificates is not completely specified; therefore, the board of registration is vested with a certain amount of discretion in the procedure they will use to implement these provisions.

However, as the deputy registrar is vested with the same powers and duties of every other member of the board, it would appear that a person appearing personally before a deputy registrar, either in the board of registration office or at an authorized place of voter registration outside the board of registration office, would comply with the requirements of the statute. If the deputy is registering persons outside of the office, the deputy would not have access to the registration books and pursuant to the statutory provisions could not, of course, reissue a certificate at that time but could take an application of the request for the new card. This application could then be processed upon the deputy's return to the board of registration.

It may be that the board of registration would find that a proper way to process these requests would be for the application for reissuance of a certificate to be signed by the person requesting a new certificate. This certificate could then be compared with the applicant's signature on his original application for registration which should be on file with the board of registration. If the two signatures are identical and the applicant is still otherwise qualified, a new certificate should be issued.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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