

1980 WL 121006 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1980

\*1 Honorable Jack Allison  
Chief Judge of Magistrate Courts  
Cherokee County Courthouse  
Gaffney, SC 29340

Dear Judge Allison:

In a letter to this Office you asked whether in preparing a jury box for use in the magistrate's court, the slips of paper containing the names of individual jurors must be placed in capsules prior to being placed in the jury box. As you are aware, [Section 22-2-60, Code of Laws of South Carolina](#), as amended, provides:

'[A] constable or other person appointed by a magistrate shall, during the first thirty days of each calendar year, prepare a jury box for use in the magistrate's court which shall be provided by the governing body of the county. Each box shall contain two compartments designated as A and B respectively. The person charged with the preparation of the box shall, within the specified period, place in Compartment A of the box the individual names of all qualified electors in the Jury Area. After Compartment A has been filled with names, the box shall be locked and kept in the magistrate's custody.'

As is evident, there is no specific requirement that the slips of paper containing the names of the individual jurors be placed in capsules prior to being placed in the jury box. This is in contrast to the situation involving slips of paper containing names of circuit court jurors which pursuant to [Section 14-7-160, Code of Laws of South Carolina, 1976](#), must be placed in capsules prior to being placed in a jury box.

While there is no statutory requirement mandating the use of capsules, absolute assurance must be made that the slips of paper containing the names of potential jurors are indistinguishable and folded so that the names written on such slips of paper are not visible on the outside. Also, care must be taken to assure that the jury box is not constructed in a manner that would permit such slips of paper to fall out or be caught within the box when the names of potential jurors are drawn.

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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