

1979 WL 43151 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 5, 1979

*1 Ms. Minnie G. Johnson
Horry County Board of Voter Registration
1316 First Avenue
Conway, SC 29526

Dear Ms. Johnson:

I am in receipt of your recent letter in which you requested an opinion concerning solicitation for reinstatement of voters by unauthorized persons. You have informed me that certain unauthorized persons went door to door asking persons who had been deleted from the list of registered voters if they would like to be reinstated. These unauthorized persons thereafter gave a list of names of persons who had been deleted from the list of registered voters to the Horry County Registration Board and requested the Board to reinstate the deleted persons. You have inquired if this is a permissible procedure.

South Carolina Code of Laws, 1976, Section 7-3-20(2) and (3) authorizes the Executive Director of the State Election Commission to

(2) Delete the name of any elector (a) who is deceased, (b) who is no longer qualified to vote in the precinct where currently registered, (c) who has been convicted of a disqualifying crime, or (d) who is otherwise no longer qualified to vote as may be provided by law;

(3) For the purpose of removing from the roster the names of electors who are presumed to be no longer qualified to vote in the precinct where registered, delete the name of any elector who has failed to vote in each of two consecutive State-wide general elections and also failed to vote in any other election which might have been held in the precinct in which he is registered within the period of time intervening between the two general elections . . .

If a person has been deleted from the list of registered voters due to a failure to vote, he may be reinstated upon his request. South Carolina Code of Laws, 1976, Section 7-3-30(b). Section 7-13-820 establishes the procedure that should be followed if a person whose name is not on the precinct list presents himself on the day of the election to vote, i.e., deleted from list of registered voters.

It is clear from these provisions that the law envisions the person who has been deleted and who possesses the right to request reinstatement to personally make such a request for reinstatement. The possibilities for abuse are readily ascertainable for any procedure other than a personal request by the person who has been deleted from the list of registered voters. Additionally, improper registration can have harmful effects outside the scope of the election laws in that the composition of juries can be seriously affected if improper registration is undertaken. See [State v. Bibbs](#), 192 S.C. 231, 6 S.E.2d 276.

Therefore, a person who has been deleted from the list of registered voters should make a personal request for reinstatement to the registration board. Heresay information from a third party that the deleted person desires to be reinstated would be insufficient.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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