

1978 WL 207611 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1978

\*1 C. Walker Limehouse, Esquire  
City Attorney  
P.O. Box 627  
Orangeburg, S. C. 29115

Dear Mr. Limehouse:

In your letter of May 15, 1978 to this Office you asked if a city recorder may authorize another individual to sign a prisoner discharge in recorder's name.

An opinion of this office dated December 16, 1977, a copy of which is enclosed, was rendered in response to the question presented of whether a magistrate may direct someone else to imprint his name on a court paper using a rubber stamp. A memorandum dated November 18, 1977, a copy of which is also enclosed, was written in response to the question of whether it is lawful for a magistrate to direct a law enforcement officer to sign his name to arrest and search warrants after probable cause has been given to the magistrate over the telephone, at a place other than a magistrate's office, or at the magistrate's office when the magistrate is prevented from signing the warrant because of other activities.

The December 16, 1977 opinion in determining that a magistrate may direct someone else in his presence to use a rubber stamp to affix his signature stated "... the persons authority to sign documents is strictly limited to signings performed in the magistrate's physical presence and can be exercised only over the specific papers and in the specific manner which the magistrate has directly authorized and in each particular case. The November 18, 1977 memorandum determined that a police officer was not authorized to sign the name of a magistrate to an arrest or search warrant.

I am not aware of any statutory provisions allowing a recorder to authorize another individual to sign a prisoner discharge in the recorder's name. Therefore, in light of the above opinions, it is the opinion of this office that a city recorder may not authorize another individual to sign a prisoner discharge in the recorder's name unless such signing is done in the recorder's physical presence and in the specific manner in which recorder has authorized.

If there are any questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

Approved:

(Illegible Signature)

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