

1975 WL 29792 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 9, 1975

*1 Mr. Wayne C. Dell
Administrative Assistant to the Mayor
Town of Hardeeville
Hardeeville, South Carolina 29927

Dear Mr. Dell:

We are in receipt of your letter of May 5, 1975, in which you requested an opinion of this office as to whether or not Hardeeville can have a deputy registrar in order to register people without the necessity of driving to the county seat. It is my understanding you intend the deputy registrar to be permanently assigned to Hardeeville.

South Carolina Code of Laws, 1962, as amended, Section 23-51.1 states:

The board of registration of each county may appoint deputy members of the board, in such numbers as may be deemed necessary, whose terms shall be for such period of time as deemed advisable by the boards. The deputy members shall have the same powers and duties as regular members of the board.

Section 23-53 states:

Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat . . . (Emphasis added)

Under the authority of the above statutes the board of registration for each county may appoint deputy registrars to assist them. However, these deputies assist the board with its duties of registering persons at the county seat. Section 23-65.1 states that:

Boards of registration shall remain open as provided by law and, in addition thereto, shall remain open and available for registration on any additional days, during such hours and at such various places throughout the county as the boards may determine. Notice of the time and place shall be given by prior publication in a newspaper of general circulation in the county.

Pursuant to this statute a board member or a deputy may accept applications for registration and issue registration certificates outside of the normal office hours of the board, and away from the regular office. The proper procedure is for the time and place to be first publicized, and for the board to make this determination and not an individual member or deputy member who might be taking the applications and issuing certificates. Therefore, it would be possible for the board to publicize a planned time for registration in the town of Hardeeville, and then assign a deputy registrar to Hardeeville for the exact time period specified in the notice. However, the code would not authorize a permanent deputy registrar assigned to Hardeeville for the purposes of registration.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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