

1974 WL 27502 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 8, 1974

\*1 Honorable Lawrence E. Rearden  
Mayor  
Edgefield, South Carolina 29824

Dear Mayor Rearden:

This letter is in response to your recent telephone request for information relating to matters of jury selection for the Town of Edgefield.

Sections 15-901, et seq., Code of Laws of South Carolina (1962), as amended, concern municipal courts. My information is that the Town of Edgefield has a population of less than 5,000. Therefore, Sections 15-941 through 15-945 of the Code would govern and a copy of those sections is included herewith. Section 15-941 establishes the Mayor and Aldermen or Councilmen to be the jury commissioners and requires that they prepare on or before May 1st of each year a 'Jury Box' containing the names of not less than 75% of the qualified electors of such City or Town 'of good moral character and eligible to jury duty.'

Sections 38-100 through 38-109, Code of Laws of South Carolina (1962), as amended, set forth disqualifications, exemptions and excusal from jury service. I have enclosed copies of those sections for your convenience. It should be noted that there is a distinction between exemptions and disqualifications and that the exemptions provided are mere personal privileges which the juror himself may claim or waive. Therefore, such individuals should be included in the 'Jury Box'.

I have also enclosed copies of two published opinions of this office which may be of interest to you. 1970 Ops. Atty. Gen., #3053, pg. 348, 1971 Ops. Atty. Gen., #3077, pg. 17. If I may be of further assistance please contact me.

Very truly yours,

Wade S. Kolb, Jr.  
Staff Attorney

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