



ALAN WILSON
ATTORNEY GENERAL

January 15, 2020

The Honorable J. Michelle Childs
U.S. District Court Judge
901 Richland Street
Columbia, SC 29201

Dear Judge Childs:

It has come to our attention that a question has arisen regarding the Attorney General's interpretation of § 7-5-170, requiring that in order to register to vote, a person's Social Security number must be provided. Apparently, this Office has over the years advised the State Election Commission that the voter must provide the entire Social Security number in order to register. Apparently, that advice originated with at 1967 opinion of former Attorney General McLeod. See Op. S.C. Att'y Gen., 1967 WL 11747 (September 29, 1967). Such opinion stated:

Accordingly, it is the opinion of this Office that if a person acknowledges that he has a Social Security number he may be required to present that number before being issued a registration certificate. This is for the protection of the voter as well as to insure the purity of the elective process.

(emphasis added).

While that opinion may have been technically correct, we now deem it necessary to modify it in keeping with the more modern practice of using only the last four digits of the SSN. The Complaint in this action alleges that South Carolina is one of only four states that will reject

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voter registration applications that do not contain full SSNs. (Paragraph 25). General McLeod's opinion was issued before federal privacy laws were enacted to protect Social Security numbers. See Federal Privacy Act of 1974 (Pub. L. 93-79) ["It shall be unlawful for any Federal, State or local government agency to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his Social Security account number."].

In addition, since the opinion was issued, the South Carolina Supreme Court has issued its Order "Re Interim Guidance Regarding personal Data Identifiers and Other Sensitive Information In Appellate Court Filings." Such Guidance expressly states that "(i)f a social security number must be included, only the last four digits of that number shall be used." 375 S.C. 56, 57, 650 S.E.2d 462 (2007).

Finally, ". . . this Office generally resolves all doubt in favor of the right to vote which is a fundamental right." Op. S.C. Att'y Gen., 2017 WL 1017485 (January 31, 2017).

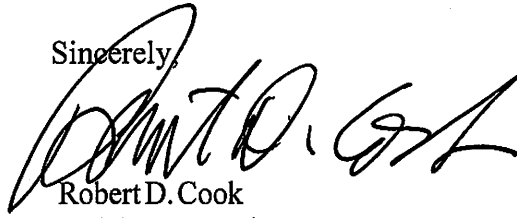
For all these reasons, we modify the 1967 opinion, discussed above, and all other inconsistent advice therewith. We construe § 7-5-170 and the words "Social Security number" therein as permitting the submission of the last four digits of a person's Social Security number in order to register to vote.

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Sincerely,

A handwritten signature in black ink, appearing to read "R. D. Cook". The signature is fluid and cursive, with a large initial "R" and "D".

Robert D. Cook
Solicitor General