



HENRY McMASTER  
ATTORNEY GENERAL

October 16, 2008

James M. Holly, Esquire  
Aiken County Attorney  
Post Office Box 517  
Aiken, South Carolina 29802-0517

Dear Mr. Holly:

In a letter to this office you questioned whether a county board of registration is authorized to establish places other than the office of the county board of registration at which absentee ballots may be cast prior to the date of the general election. We assume from your inquiry that the extension office would be established pursuant to the appropriate procedures and requirements imposed upon the county board of registration.

In reviewing your question, the provisions of S.C. Code Ann. § 7-5-140 have been raised. Such provision states that

[b]oards 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. Such boards also shall remain open and available for absentee registration and absentee voting responsibilities during such additional hours as the boards may deem necessary.....

While such provision refers to the opening of boards of registration at “various places throughout the county” which are to be “available for absentee registration and absentee voting responsibilities”, in the opinion of this office, such provision, included in Article 3 of Chapter 5 of Title 7 dealing with “Requirement of and Qualification for Registration”, does not in itself authorize the opening of satellite absentee voting locations. Instead, such provision should be construed in association with voting registration requirements.

However, other provisions appear to support the opening of satellite locations. S.C. Code Ann. § 7-15-410 states that “[i]n each county there must be established an absentee voting precinct located in the office of the county board of registration....” Therefore, clearly, statutory law requires the opening of an absentee voting precinct in each county. S.C. Code Ann. § 7-15-330, a provision in Article 5 of Chapter 15 of Title 7 which is titled “Absentee Voting”, goes further and provides that

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[t]o vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board, or at an extension office of the board of registration as established by the county governing body, for the county of the voter's residence. (emphasis added).

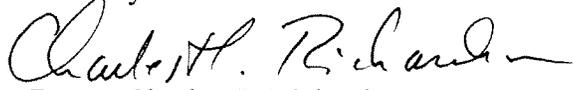
In the opinion of this office, by such provision, the establishment of a satellite office of the board of registration is clearly recognized in association with voting by absentee ballot.

As specified by S.C. Code Ann. § 7-15-20, a provision of Chapter 15 of Title 7 dealing with absentee registration and voting, the provisions dealing with absentee registration and voting, "...shall be liberally construed in order to effectuate their purposes." Moreover, in its decision in Knigh v. State Board of Canvassers, 297 S.C. 55, 374 S.E.2d 685 (1988), the State Supreme Court referred to Section 7-15-20 in recognizing the requirement that "...our General Assembly has specified that statutes concerning absentee registration and absentee voting shall be liberally construed."

Construing these provisions together, in the opinion of this office, a county board of registration may establish offices other than the principal office of the county board of registration at which absentee ballots may be cast prior to the date of the general election.<sup>1</sup> Of course, the opening of such a satellite office would be a matter within the discretion of the county governing body. Also, in order to vote by absentee, a voter must meet the statutory requirements of an absentee voter. See: S.C. Code Ann. § 7-15-320.

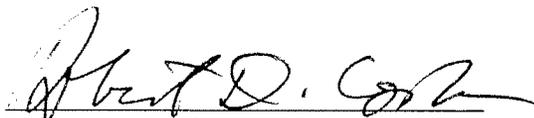
Very truly yours,

Henry McMaster  
Attorney General



By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Deputy Attorney General

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<sup>1</sup> We are advised that the State Election Commission has held this same interpretation over many years. We understand that based upon the State Election Commission's interpretation, one or more counties have established satellite offices and permitted absentee voting at those offices. While our conclusion herein is based upon our own interpretation of the relevant statutes, we also believe it is important to note that the State Election Commission is of the same view.