



The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES M. CONDON  
ATTORNEY GENERAL

November 4, 1998

The Honorable James S. Klauber  
Member, House of Representatives  
406 E. Henrietta Avenue  
Greenwood, South Carolina 29649

RE: Informal Opinion

Dear Representative Klauber:

Your opinion request has been forwarded to me for reply. You have asked two questions concerning the applicability of Section 7-13-75 of the South Carolina Code of Laws.

**QUESTIONS**

1. Does attendance at a fund raiser for a group of local county council candidates from one political party, at which the member has jurisdiction over their election, constitute a violation of the statute?
2. When a citizen discovers a violation of sec. 7-13-75, what is the step-by-step procedure for removal?

**LAW/ANALYSIS**

Section 7-13-75 of the Code provides as follows:

No member of a county or municipal election commission, voter registration board, or combined election and voter registration commission may participate in political management or in a political

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campaign during the member's term of office. No member may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate over whose election the member has jurisdiction. Violation of this section subjects the member to removal by the Governor or appropriate appointive authority.

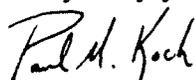
As you can see, Section 7-13-75 prohibits members of county or municipal election commissions, voter registration boards, or combined election and voter registration commissions from participating in specified political activities. In addition to prohibiting a member from participating in political management or in political campaigns during the member's term of office and making contributions to a candidate over whose election the member has jurisdiction, the statute specifically prohibits a member from knowingly attending a fundraiser held for the benefit of a candidate over whose election the member has jurisdiction. Clearly, then, if a member knowingly attends a fundraiser held for the benefit of a candidate or candidates over whose election the member has jurisdiction, the statute would be violated.

If a member violates Section 7-13-75, the member is subject to removal by the Governor or appropriate appointive authority. It is my understanding that the Greenwood County board of registration was established pursuant to Section 7-5-10 et seq. of the Code. Under Section 7-5-10, the members of the board are appointed by the Governor, by and with the advice and consent of the Senate. The Governor thus holds the removal power. See also, S.C. Code Ann. § 7-5-10. In exercising this removal power, the Governor would do so in accordance with the statutes governing the removal of county officers.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch  
Assistant Attorney General