

# The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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August 6, 1991

The Honorable Marion P. Carnell  
Member, House of Representatives  
Box 119  
Ware Shoals, SC 29692

The Honorable James R. Shirley  
Member, House of Representatives  
Highway 72 West  
Post Office Box 429  
Abbeville, SC 29620

The Honorable Ronald P. Townsend  
Member, House of Representatives  
Route 5  
Anderson, SC 29621

The Honorable William H. O'Dell  
Senator, District No. 4  
Route 1, Box 540  
Ware Shoals, SC 29692

Gentlemen:

Attorney General Medlock has referred your recent letter to me for reply. You have raised two questions regarding Act No. 708 of 1990 which abolished Abbeville County's Commission of Election and Registration Boards and combined these two Board's into one Board called the Registration and Elections Commission for Abbeville County. Specifically you have asked the following questions:

1. Can all new members be appointed to this Board now or must they wait until an even numbered year?

Under the provisions of Section 4 of the Act the members of the existing separate Boards were to

...continue to serve until December 31, 1990, at which time the new Board must be appointed for a one-year period, after which the members of the Board must be appointed for two-year terms.

The Honorable Marion P. Carnell  
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Section 1 (B) of the Act provides that

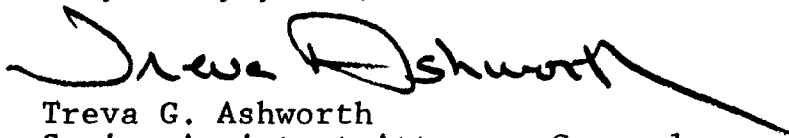
[b]etween the first day of January and the fifteenth day of March of every even-numbered year, the Governor shall appoint the members of the Commission.

Under the terms of these provisions a new Board should have been appointed to hold office from January of 1991 until the end of this year. A new Board would then be appointed between January 1 and March 15 of 1992 for a two-year term and every two years thereafter.

2. Who are these recommendations made by ...Abbeville County Council or the Abbeville County Legislative Delegation?

Section 1 of the Act provides that the appointment is made by the Governor upon the recommendation "... of a majority of the Abbeville County Legislative Delegation, including the Senators". Therefore, the recommendation is to be made by the Abbeville County Legislative Delegation.

Very truly yours,



Treva G. Ashworth  
Senior Assistant Attorney General


TGA:bvc

REVIEWED AND APPROVED BY:



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EDWIN E. EVANS  
Chief Deputy Attorney General



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ROBERT D. COOK  
Executive Assistant for Opinions