

1980 WL 120939 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 21, 1980

*1 The Honorable Jeff R. Richardson, Jr.

Senator

Greenville and Laurens Counties

712 E. McBee Avenue

Greenville, South Carolina 29601

Dear Senator Richardson:

Mr. McLeod has referred your recent letter to me for reply. You have stated that the Greenville County Election Commission has refused to register certain persons on the basis that they do not have a valid South Carolina driver's license although they could furnish other evidence of residency. You have inquired if this is a valid procedure.

Each board of registration sits in a quasi-judicial role when it makes the determination of whether or not a person meets the qualifications to register in their county. South Carolina Code of Laws, 1976, Section 7-5-230. One of the evidences of the intent to reside in the county that the registration board can look to in making this determination is whether or not the individual has a valid South Carolina driver's license that reflects that county and street address as his address. South Carolina Code of Laws, 1976, Section 56-1-230 requires a person who has moved from one address to another to notify the State Highway Department within ten days of the move of their new address. See also Section 56-1-20.

However, a driver's license would not necessarily be the only evidence to which the board can or should look. I am enclosing with this letter a 1971 opinion of this Office written by Robert Brown.* On pages four through five, Mr. Brown discusses some of the evidences of residency the board may look to and fully discusses the problem of proving residency.

Of course, the decision of whether or not the person is actually a resident is a decision that rests solely with the board.

The law does provide that a person who is refused registration may appeal this decision to the court. South Carolina Code of Laws, 1976, Section 7-5-230.

Very truly yours,

Treva G. Ashworth

Senior Assistant Attorney General

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