

1979 WL 43628 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 1, 1979

*1 Mr. James B. Ellisor
Executive Director
State Election Commission
P. O. Box 5987
Columbia, SC 29250

Dear Mr. Ellisor:

Mr. McLeod has referred your recent letter to me for reply. You have stated that the South Carolina Republican Party is contemplating holding a Presidential preference primary. This election is not authorized by statute and will not be held concurrently with any upcoming election. You have inquired if the State Election Commission is required to provide a computer printed list of voters free of charge to the Republican Party.

South Carolina Code of Laws, 1976, Section 7-3-20(5) requires the Executive Director of the State Election Commission to furnish to each county registration board ‘. . . a master list of all registered voters in the county, together with three copies of all registered voters in each precinct of the county, at least ten days prior to each election . . .’ Section 7-5-420 states that

[i]mmediately preceding each party primary election the board of registration in each county shall furnish to the county committee of each political party proposing to hold a primary two official lists of voters for each polling precinct in each county, containing in each the names of all electors entitled to vote at each precinct.

Pursuant to these statutes, the State Election Commission must furnish a list of registered voters to the county prior to each election; and the county board then issues the list of registered voters to the political parties prior to a primary.

By definition, an election concerns the holding of an election authorized by law. Section 7-1-20(1), (2). A primary election is limited by statute to the nomination of candidates for statewide, congressional, district, countywide and less than countywide offices. Sections 7-13-40; 7-1-30(3). There is no express or implied authorization for a primary to be held for a national presidential election. Therefore, the State Election Commission would not be required to furnish a list of registered voters to the Republican Party prior to their holding a Presidential preference election.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

1979 WL 43628 (S.C.A.G.)