

1975 WL 29731 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
April 18, 1975

*1 Mr. Jesse L. Cooksey
State Chairman
South Carolina Republican Party
Post Office Box 5247
Columbia, South Carolina 29250

Dear Mr. Cooksey:

We are in receipt of your letter of April 15, 1975, in which you requested this office to issue an opinion as to whether or not the State Election Commission is required by law to furnish computer tapes of registered electors in South Carolina.

South Carolina Code of Laws, 1962, as amended, Section 23-31(c)(11) directs the Executive Director to 'furnish at [a] reasonable price any and all precinct lists to any qualified elector requesting same.' Pursuant to this statutory direction the State Election Commission furnishes print outs of the names of registered voters at a reasonable fee.

Section 1-20.2 of the Code, which is a section found in what is commonly known as the Freedom of Information Act, states in part:

. . . all public records as defined in § 1-20.1 shall be open to inspection and copying during the regular business hours of the custodian of the records. Reasonable access to these records and reasonable access to available facilities for the full exercise of the right to inspect and copy such records shall not be denied. A reasonable charge may be made for copies furnished by the public agency. (Emphasis added)

The intent of the General Assembly in enacting the Freedom of Information Act, as found in the organic act, was for the following stated purpose:

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner as it conducts its business so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formation of public policy. Toward this end, this act is adopted, making it possible for citizens, or their representatives, to learn and to report fully the activities of their public officials.

It was not the intent of the General Assembly to enact legislation which would require information to be given in the most convenient form, or in a form to be designated by the person requesting the information. What is required is that the information be available and that copies be furnished upon request in the furtherance of the public's right to fully know the activities of their public officials. The Court in [Matte v. Winooski](#), 129 Vt. 61, 271 A.2d 830 (1970), was faced with a similar problem in which a citizen brought an action to require the public officials to allow him to photocopy the city tax records. The Court held that the information should be allowed to be copied but that

The right of an interested citizen to procure a copy of a public record does not include the right to select the method of reproducing what is recorded. [Ibid](#), p. 832.

In statutory construction, it is required that words be given their ordinary and plain meaning. [McGlohon v. Harlin](#), 254 S.C. 207, 174 S.E.2d 753 (1970); [Boyd v. State Farm Mutual Automobile Insurance Co.](#), 260 S.C. 316, 195 S.E.2d

706 (1973). When this rule of construction is applied to Section 23-31(c)(11) it becomes apparent that all the Executive Director is authorized by the General Assembly to furnish are the precinct lists of registered voters which would be the print out lists that the Commission is currently distributing. The Freedom of Information Act does not expand this authorization. That act merely requires reasonable access to records with a reasonable right to reproduce their information. This right is already granted pursuant to Section 23-31(c)(11).

*2 Therefore, it is the opinion of this office that the Executive Director is only authorized to furnish precinct lists.
Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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