



Director Howard M. Knapp
Page 2
August 23, 2024

Read together, the SEC interests §§ 7.5.150 and 7.5.200 are...

1. The first part of the document is...

Page 3
August 23, 2024

be the same as those for the primary election. With this in mind, the SEC presents the following scenario and asks the Attorney General for his opinion:

A primary election is conducted that results in a primary runoff. During that time

week interval after the primary election but before the primary runoff is conducted, a person who was a qualified elector eligible to vote in the primary election contacts his county board of voter registration and elections and changes his voting

August 23, 2024

of Columbia, 387 S.C. 131, 138,691 S.E.2d 465.468 (2010); see also Op. S.C. Att’y Gen., 2000 WL 1347162 (Aug. 25, 2000) (The meaning of related statutes and their effect must be determined with reference to each other so as to “construe them together into one integrated system of law.”). With these principles in mind, this opinion will analyze relevant election statutes to ascertain

legislative intent regarding whether electors who change residence between a primary election and a runoff retain their eligibility to vote in the runoff election.

It is this Office’s opinion that the SEC’s interpretation of S.C. Code §§ 7-5-150, -220, that only those electors who were registered to vote prior to thirty days before a primary election

eligible to vote in an ensuing runoff, is consistent with the plain language of those statutes. However, we find it is inaccurate to characterize registering to prior to this thirty-day period as “vesting” a right to vote in an election or runoff. First, the statute listing qualifications to register

(A) The county boards of voter registration and elections ... shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-

15-420 must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

(D) No challenge shall be made to the qualifications of any elector after the polls are closed.

For instance, in *Gearty v. Bagwell*, 272 S.C. 227, 241, 649 S.E.2d 560, 571 (2007), “

a ballot in a precinct where they previously were registered, but they no longer had a valid address in that precinct at the time of the election.” The Court described how allowing an elector to vote in a precinct in which he no longer resides violates the basic structure of our state election laws:

The use of precincts in our election process is a fundamental part of our statutory

Director Howard M. Knapp
Page 7
August 23, 2024

If however an elector moved his residence from one precinct to another within the same

For voting purposes, in the case of a change of address of a qualified elector to another address within the same county, the county board of voter registration and elections shall correct the voting registration list accordingly, and the elector's name may not be removed from the official list of eligible voters except as provided in Section 7-5-330(F).

program "must be completed no later than ninety days before the date of a statewide primary or general election" S.C. Code § 7-5-330(E)(4). The removal program does not include...

§ 8.041. He is subject to challenge if he lacks the qualifications to

in addition to the other qualifications set forth in the Constitution and the laws of the State. The Commission shall have the authority to remove any member of the Board of Directors who is not qualified to serve in that office.

§ 8.042.

The Commission shall have the authority to remove any member of the Board of Directors who is not qualified to serve in that office. The Commission shall have the authority to remove any member of the Board of Directors who is not qualified to serve in that office.

ence and domicile.

We have previously opined

§ 8.043.

It remains the Office's

from creation.

§ 8.044.
The Board of Directors
shall have the authority to

