

1977 WL 37185 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 8, 1977

*1 Honorable William W. Doar, Jr.
Senator
District No. 16
P.O. Box 418
Georgetown, SC 29440

Dear Senator Doar:

Mr. McLeod has referred your recent question to me for reply. You have inquired if it is possible for one political party to obtain a list of the persons who voted in another political party.

South Carolina Code of Laws, 1962, as amended, Section 23-98 states that prior to every political primary election, the board of registration in each county shall furnish to the county committee of each political party a list of the voters entitled to vote at each precinct. Section 23-102 states that

... the county committee ... shall turn over such books to the board of registration prior to the day on which the books of registration are next required by law to be opened by the board of registration and in no event later than twenty day after such election.

This information is later forwarded to the State Election Commission. S.C.Code of Laws, 1962, Sections 23-34, 23-32(C)(3). Section 23-400.51 states that the name of every voter who presents himself to vote at an election shall be checked off on the registration book. The person must in addition sign a poll list. Therefore, under the above-cited law, every person's name who votes in any election, including a primary, must be checked off the election list. Thereafter, this election list must by statute be returned to the board of registration. Once on file with the registration board, it is a public record which is subject to the Freedom of Information Act. S.C.Code of Laws, 1962, as amended, Section 1-20.1.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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