

1978 WL 35056 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1978

*1 Honorable Joyce C. Hearn
Representative
District No. 76
1316 Berkeley Road
Columbia, SC 29205

Dear Representative Hearn:

Mr. McLeod has referred your recent letter to me for reply. You have raised a question concerning the interpretation of what constitutes a bystander. Specifically, you have asked if a person can be at a polling place and be utilized during the entire election day as a bystander.

There is no prohibition to a person being at a polling place for an extended period of time and being used more than once to assist as a bystander.

The right to designate a bystander is a right vested exclusively with the voter and not with the chairman of the managers or the poll manager appointed by the chairman. Attorney General's Opinion Number 2011, of April 5, 1966, expressly states that the poll manager neither designates nor assists the bystander.

Persons who are made available to act as bystanders must, of course, comply with the statutory provisions concerning conduct at the polls and may not solicit voters to assist them. They may only make themselves available to assist. It is also true that if a poll manager finds that any person, including a bystander, is interfering with the election process, he can request that they leave the area. South Carolina Code of Laws, 1976, Sections 7-13-140, 7-13-160.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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