

1976 S.C. Op. Atty. Gen. 326 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4464, 1976 WL 23081

Office of the Attorney General

State of South Carolina

Opinion No. 4464

September 24, 1976

*1 Joseph S. Mendelsohn, Esquire
Secretary
Commissioners of Election for Charleston County
P. O. Box 633
Charleston, SC 29402

Dear Mr. Mendelsohn:

You have requested an opinion of this Office as to whether or not it is possible to program the voting machines with a master lever which would allow a person to vote a straight party ticket for all the candidates, national, state and county, of one political party.

South Carolina Code of Laws, 1962, as amended Section 23–400.26 states in part that . . . the arrangement of the names of the candidates on . . . ballots to be prescribed by the commissioners of election. Party nominations shall be arranged on each voting machine either in columns or horizontal rows . . . and . . . shall be so placed as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice.

Section 23–404(1) states that the voting machine must be constructed so as to . . . permit the voter to vote for all of the candidates of one party or in part for the candidate of one or more parties. (emphasis added)

Therefore, under the provisions of this statute the machine must have the capacity to allow a voter to vote for all of the candidates of one party. This would include national, state and county. See also South Carolina Code of Laws, 1962, Section 23–431; South Carolina Code of Laws, 1962, as amended, Section 23–400.13.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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