

1974 WL 27813 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1974

*1 Joe Mendelsohn, Esq.
Attorney at Law
Post Office Box 633
Charleston, South Carolina 29402

Dear Mr. Mendelsohn:

You have requested an opinion of this office as to whether or not a precinct which does not have facilities which could serve as a polling place can utilize facilities in the next closest precinct.

The South Carolina Constitution, Article 2, Section 4 and the South Carolina Code of Laws, 1962, as amended, Sections 23-211 and 23-213 require each person to vote in the precinct where he lives. Voting in a precinct where the voter does not live is therefore prohibited by law. See 29 C.J.S. Elections § 199, 26 Am.Jur.2d Elections § 229.

Therefore, it is the opinion of this office that as the laws of this state and general election law would prohibit authorizing a voter to vote in a precinct in which he does not live, such a procedure cannot be authorized without specific legislation. Additionally, any change in a location of a polling location would require approval by the United States Department of Justice under the provisions of the Voting Rights Act of 1965.

Sincerely,

Treva Ashworth
Assistant Attorney General

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