

1974 WL 27216 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 29, 1974

*1 Mr. W. M. Gerald
P. O. Box 383
Varnville, South Carolina

Dear Mr. Gerald:

Thank you for your letter of July 17, 1974, in which you questioned the validity of having to choose to vote as a Republican or a Democrat at the primary held on July 16,

A primary is simply a procedure for nominating candidates to run for office in a political party. In the past the Republicans have used the procedure of nomination by convention method and the Democrats have nominated by primary. This year both political party's decided to use the primary method of nomination. This procedure is authorized by the Laws of this State, see South Carolina Code of Laws, 1962, as amended, Sections 23-283, 23-400.71 et. seq.

Section 23-400-71 of the Code sets out the oath each voter swears to at the primary election. This oath reads:

'I do solemnly swear or affirm that I am duly qualified to vote at this primary election and that I have not voted before at this primary election or in any other party's primary election or officially participated in then nominating convention for any vacancy for which this primary is being held.'

By this oath which you take by signing the poll list you are stating that you have only voted in one party's primary. Additionally, Section 23-400.79 states specifically that
No person shall be entitled to vote in more than one party primary election held the same day.

Therefore, this requirement that each individual voter vote only in one party primary is authorized by the laws of this state and is a valid requirement.

Sincerely,

Treva G. Ashworth
Assistant Attorney General

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