

1974 WL 28125 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
August 9, 1974

*1 Mr. James B. Ellisor
Executive Director
Election Commission
2301 Devine Street
Columbia, South Carolina 29206

Dear Mr. Ellisor:

We are in receipt of your letter of July 23, 1974, requesting clarification of South Carolina Code of Laws, 1962, as amended, Section 23-658.2. Specifically the question has been raised as to what campaign literature is prohibited from being displayed within two hundred (200) feet of the polls. The statute expressly forbids placing political posters or political literature and displays within two hundred (200) feet of a polling place. Therefore, any material which would advertise a candidate, i.e., name tags, bands on nats, bumper stickers, etc. would come within the prohibition of this statute and could not be displayed within two hundred (200) feet of the polls.

The statute does not deal specifically with candidates or their workers campaigning within two hundred (200) feet of the polls. However, it would be permissible for a candidate to stand inside the two hundred (200) feet and shake hands with persons coming to vote. It would be permissible for the person to wear a simple name badge if the badge did not in any way advertise his political campaign.

Pursuant to Section 23-400.56 of the Code of Laws, no person other than a voter can be allowed within the guard rail. Therefore, a candidate could not stand in this area. Additionally, if the candidate is standing in an area or acting in a manner that the manager feels is conducive to disturbing the election he may ask the person to move. See Section 23-400.5. Sincerely,

Treva Ashworth
Assistant Attorney General

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