

1974 WL 28123 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1974

\*1 Mr. G. H. Frederick, Jr.  
Box 37  
Donalds, South Carolina 29692

Dear Mr. Frederick:

Your letter of December 10, 1974, addressed to Mr. McLeod has been forwarded to me for reply. You have inquired as to the proper procedure for a person to receive assistance in voting. South Carolina Code of Laws, 1962, as amended, Section 23-400.57 states

Only those persons who are unable to read or write or who are physically unable or incapacitated from preparing a ballot or voting shall be entitled to receive assistance of any kind in voting.

Section 23-400.56 states

No person other than a voter preparing his ballot shall be allowed within the guard rail, except as herein provided. A voter who is unable to sign the poll list himself in the manner required by this Title may appeal to the managers for assistance in voting, and the Chairman of the managers shall appoint one of the managers and a bystander, who must be an elector of that precinct, to be designated by the voter to assist him in preparing his ballot. After the voter's ballot has been prepared, the bystander so appointed shall immediately leave the ?? of the guard rail. Provided, that in lieu of the above assistance a person may have his spouse render him assistance in voting.

Therefore, only a person who is illiterate or physically unable to prepare a ballot is entitled to assistance.

Additionally, you have inquired how far a candidate must be from the voting area to distribute campaign literature. Section 23-658.2 states

It shall be unlawful on any election day within two hundred feet of the building wherein a polling place is located for any person to distribute any type of campaign literature or place any political posters. (emphasis added)

This statute, therefore, prohibits distribution of literature within two hundred feet of the building in which the polling area is located.

Pursuant to your request, I am enclosing a copy of Section 23-659.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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