

1973 S.C. Op. Atty. Gen. 75 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3486, 1973 WL 20950

Office of the Attorney General

State of South Carolina

Opinion No. 3486

March 8, 1973

**\*1 The absentee voting provisions of Section 23–449.41 and 23–449.42 are applicable to municipal elections.**

Chairman of the North Augusta Election Commission

Thank you for your letter of March 6 requesting advice as to whether or not the above sections are applicable to municipal elections, and, if so, how it can be implemented under your schedule.

It is my opinion that these absentee voting provisions are applicable to municipal elections. The statute does not specifically restrict its application to primary or general elections and, in my view, it should be liberally construed to effectuate its purpose. Accordingly, I am of the opinion that it should be extended to municipal, as well as other elections.

With respect to its implementation, it is my view that your Commission is tantamount to the County Election Commission referred to in Section 23–450.1 insofar as municipal elections are concerned, and that your Commission should undertake the establishment of an absentee voting precinct in accordance therewith.

The provisions in question were construed by the Supreme Court of South Carolina in the case of *State ex rel. McLeod v. Ellisor*, 259 S. C. 364, 192 S. E. 2d 188 (1972). The effect of this decision is to restrict absentee voting privileges to those persons who are prevented by reasons of health from being present at the polls. It does not extend the privilege to those persons who will merely be absent geographically from the polling places on election day for reasons other than health.

Mr. Ellisor will forward to you copies of forms which he has prepared and issued which may be utilized in this procedure and which have been prepared in accordance with the foregoing decisions.

Daniel R. McLeod  
Attorney General

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