

The State of South Carolina

3181
Library



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3680

April 14, 1988

C.H. McGlothlin, Jr.
General Counsel
Santee Cooper
One Riverwood Drive
Moncks Corner, South Carolina 29461

Dear Mr. McGlothlin:

Your letter addressed to Attorney General Medlock has been referred to me for reply. You have stated that local election officers have requested permission to use the facilities located in Pinopolis that are owned by the South Carolina Public Service Authority for a polling place. You have inquired if that would be permissible.

In 26 Am Jur 2d Elections, §228 it is stated in part that

[p]rovision is usually made in the election laws for establishment of a polling place within each precinct, district, or other territorial unit, presumably located at a point most convenient for a majority of the voters. . . The polling place should, of course, be a proper one, and not picked to defeat the rights of electors.

South Carolina law is silent as to where a polling place should be located. It has been the prior opinion of this Office that although a polling place could be located in a private home, the better location would be a public one. (copy enclosed)

South Carolina Code of Laws, 1976, Section 58-31-70 states that

[t]he use of the facilities of the Public Service Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Public Service Authority; provided, however, that the Public Service Authority shall not

Mr. McGlothlin

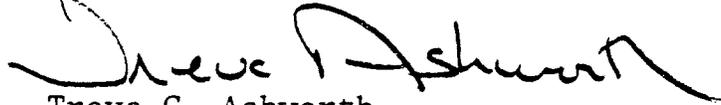
-2-

April 14, 1988

be authorized to do anything which will impair the security of the holders of the notes, bonds or other evidences of indebtedness of the Public Service Authority or violate any agreement with them or for their benefit.

Therefore, there is no specific prohibition to the use of any public property as a polling place, however the use of the Authority's property will be subject to the above-cited provision and applicable regulations and considerations, which you as their attorney, would be in the best position to apply to the proposed use of this property.

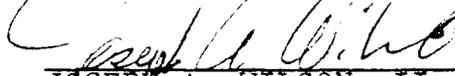
Sincerely yours,



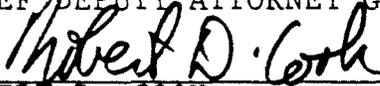
Treva G. Ashworth
Senior Assistant Attorney General

TGA:kh
Enclosure

REVIEWED AND APPROVED BY:



JOSEPH A. WILSON, II
CHIEF DEPUTY ATTORNEY GENERAL



ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS