

1982 WL 189466 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 18, 1982

*1 Mr. John O. Dyer

Chairman

Tega Cay Election Commission

2086 Marquesas

Fort Mill, South Carolina 29715

Dear Mr. Dyer:

You have asked the opinion of this Office on whether a special election to fill a vacancy on the Tega Cay municipal council can be combined with the upcoming general federal, state and county election by the utilization of the same poll managers, voting booths, and voting place. Both elections are scheduled for November 2, 1982. I also understand that the municipal boundaries of Tega Cay fall within but are not co-extensive with the York County voting precinct of the same name.

Pursuant to the authority granted it by [Article II, Section 10 of the South Carolina Constitution](#), the General Assembly in Chapters 13, 15 and 17 of Title 7 and in Chapter 15 of Title 5, Code of Laws of South Carolina, 1976, as amended, has established separate election processes for municipal elections and for federal, state and county elections. It also has provided separate county and municipal election commissions. The former is charged with supervising and conducting federal, state and county elections. The latter is responsible for supervising and conducting elections for municipal offices. Sections 5-15-90, 100; 7-13-10, 70. The poll managers authorized to be appointed by these separate commissions operate under the same limitation. Sections 5-15-100, 7-13-70. There are, furthermore, no statutory provisions that directly or by implication authorize municipal and county election commissions jointly to appoint the same poll managers or authorize county and municipal poll managers to serve in such combined elections. ¹ See enclosed opinion of this Office to the Greenville County Election Commission, dated January 9, 1975.

Based on the foregoing, it is the opinion of this Office that county and municipal election commissions are not authorized to conduct combined elections by using the same poll managers. However, as long as the elections are conducted separately, as described herein, by the appropriate election commissions and poll managers, the use of the same voting place would not conflict with this opinion and should be permissible. While the use of the same voting booths should not conflict with this opinion, the better practice would be to use separate booths. The use of the same booths by voters in separate elections being conducted by separate election commissions and poll managers might result in undue confusion.

Sincerely,

James M. Holly

Assistant Attorney General

Footnotes

¹ Separate registration lists should be required for municipal elections by Sections 7-5-660, 670.

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