

1979 WL 42819 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1979

*1 Mrs. Willie H. Beckham
Clerk
Kershaw County Election Commission
Room 213, Courthouse
Camden, SC 29020

Dear Mrs. Beckham:

I am in receipt of your recent letter. You have stated that in an upcoming election the voters in Kershaw will be asked to vote on a county council race and a question of whether or not a portion of Lancaster County should be returned to Kershaw County. You have stated that you will be using the vote recorder machines in the election, any you have inquired if both questions can be printed on one ballot.

There is no law that would either specifically authorize or prohibit the procedure. South Carolina Code of Laws, 1976, Sections 7-13-1340 and 7-13-1360 state that the vote recorder should have the capability of allowing persons to vote for candidates and upon questions submitted to the electorate. Section 7-13-1460 states in part that

[i]f a method of election for any candidate or office or of voting on any question is prescribed by law in which the use of vote recorders is not possible or practical . . . the county election officials may arrange to have the voting . . . for such questions conducted by paper ballots.

I have not found any constitutional or statutory guidelines concerning whether a question affecting the change of a county boundary should or should not be voted on a separate ballot. South Carolina Code of Laws, 1976, as amended, Section 4-5-120, *et seq.*; [South Carolina Constitution, Article VII, Section 7](#). Therefore, it would be a decision of the election commission as to whether or not in this election the use of a vote recorder would or would not be practical or advisable. Consideration should also be given to the possible problems that might arise with a protest to one of the elections if both questions are presented on the same ballot. See also South Carolina Code of Laws, 1976, Sections 7-13-400; 7-13-450; 7-13-840; 7-13-1360; 7-13-1730.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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