

# The State of South Carolina



## Office of the Attorney General

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February 11, 1991

The Honorable James C. Johnson  
Member, House of Representatives  
District No. 13 - Greenwood County  
333-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Johnson:

Thank you for your recent letter. I didn't realize from our telephone conversation that you wanted an opinion on the question you have set out in your letter; I misunderstood you to be seeking just general information. Therefore, I regret if there has been a delay in getting you the opinion you were seeking.

You have inquired if different precincts within one county may use different methods of voting. The law does not clearly provide an answer to your question. My initial impression when we talked on the phone was that it would perhaps be prohibited; however, I called back later and left a message for you citing statutes that I thought would most probably answer your question.

Section 7-13-1660 is found in a portion of the law regarding vote machines. This section provides in part that

[t]he governing body of any county or of any city or town in this State may provide for the use at elections of any kind or type of voting machine that fulfills the requirements of this article ... voting machine of different kinds may be adopted for use and used in different districts of the same city, town or county.

This statute relates only to voting machines and authorizes the use of different voting machines in one county.

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Additionally, the provisions regarding vote recorders at Section 7-13-1320 of the Code state in pertinent part that

- (a) The use of vote recorders may be authorized for use in some precincts in a county without requiring their use in all precincts.
- (b) Vote recorders of different kinds may be used for different precincts in the same county.

The General Assembly has come close to answering your specific question with the provisions regarding vote recorders. The General Assembly specifically authorized the use of different methods of voting within one county when a vote recorder is one of the methods of voting utilized. If a county utilized vote recorders in just one precinct it could use paper ballots, voting machines or the Shouptronic, which are the four recognized methods of voting in this State, for the other precincts. Therefore, in a county utilizing some vote recorders the answer would be yes, the counties can mix methods of voting within that county.

If a county does not utilize any vote recorders the law does not expressly authorize mixing voting methods but neither does it prohibit such a mixture. However, it would seem illogical to state that the General Assembly while authorizing counties using vote recorders to mix voting methods intended to prohibit counties not utilizing vote recorders from so mixing the methods of voting. Therefore, although the law is not clear as to counties not using vote recorders, it would appear most probable that a court of competent jurisdiction would find that any county could utilize different methods of election within one county. Of course, any method of voting chosen or combination of methods would have to be precleared by the Justice Department before it could be implemented.

Very truly yours,

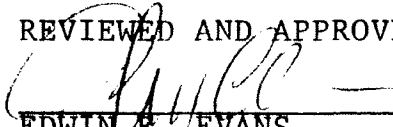


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