

# The State of South Carolina

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## Office of the Attorney General

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February 26, 1991

The Honorable James C. Johnson  
Member, House of Representatives  
333-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Johnson:

In a letter to this Office you referenced the election involving the incorporation of Ware Shoals in 1967. You questioned whether there was any constitutional violation when residents of one county voted in an adjoining county on a matter involving establishment of the corporate boundaries of a municipality.

The only State constitutional provision with which I am familiar which may be relevant to the described situation is Article II, Section 4 which states:

Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered shall be entitled to vote in the precinct of his residence and not elsewhere....

Of course, the determination of the eligibility of a voter to participate in a particular election or vote at a particular location is a factual determination which is outside the scope of an opinion of the Office. See: Opin. Atty. Gen. dated November 15, 1985. Moreover, the eligibility of an individual to vote in a particular election or at a particular location should have been questioned at the time of election. If there was no timely objection or challenge as to a voter's eligibility to vote, the question of a constitutional violation, especially with regard to an election in 1967, may be a moot issue.

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With kind regards, I am

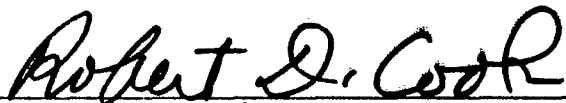
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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