

1980 WL 121242 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1980

*1 The Honorable Zilla Hinton
Member
State Election Commission
2221 Devine Street, Suite 105
Post Office Box 5987
Columbia, South Carolina 29250

Dear Ms. Hinton:

You have requested an opinion from this office concerning several questions that you have raised regarding absentee voting in a primary election. Specifically, you have asked the following questions:

With whom should a person make an application for an absentee ballot for a primary election?

South Carolina Code of Laws, 1976, Section 7-15-180 contemplates that the registration board of each county will receive requests for absentee ballots. Section 7-15-190 states that after the books close the boards of registration will . . . transmit to the Commissioners of election of the county or to the county committee for each political party of the county which makes a request therefore, a list of the names of the persons . . . who have requested ballots . . .

Section 7-15-200 states that

[u]pon receipt of the list of names the county committee, the commissioners of election or other persons responsible for the conduct of the election shall . . . mail . . . an absentee ballot . . . (emphasis added)

[Section 7-15-250 of the Code](#) states that '[i]n conducting primary elections, county committees shall perform the duties generally required in this chapter of commissioners of election.'

From all of these statutory provisions, it would appear that the proper authority to receive a request for an absentee ballot would be the county registration board. The request should then be forwarded to the appropriate county committee. However, in order to facilitate an individual's right to vote there would appear to be no reason why a request for an absentee ballot received by the political party instead of the registration board should not be honored as a valid request for a ballot. See also South Carolina Code of Laws, 1976, Section 7-15-260.

What should be the location for the absentee voting precinct in a primary election?

[Section 7-15-410 of the Code](#) states that

[i]n each county there shall be established an absentee voting precinct, organized and operated by the county election commission . . . (emphasis added)

Pursuant to [Section 7-15-250](#), it would appear that the party should establish an absentee polling precinct in each county. What is the deadline for applying in person for an absentee ballot?

Section 7-15-330 would authorize a person to receive a ballot if they apply in person before five o'clock p.m. on the day preceding the election.

Yours very truly,

Treva G. Ashworth
Senior Assistant Attorney General

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