

1976 WL 30673 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 18, 1976

*1 The Honorable Paul Gelegotis
Member
House of Representatives
1739 Maybank Highway
Charleston, South Carolina 29412

Dear Mr. Gelegotis:

Your letter of February 18 inquires as follows:

'Is it proper that the questions on the ballot shall call for only one vote and that the levers on the machine shall be set so as to allow only one lever to be activated, and as to a majority—what shall constitute a majority? Since there are two questions on the ballot, what is to be expected to constitute a majority? For example, if the total vote cast totals thirty 'no's' for one form and thirty 'no's' for the other form and the 'yes' votes for one form total thirty-one, does the thirty-one 'yes' constitute a majority to change the form of government?'

It is appropriate that the questions on the ballot shall call for only one vote and that the levers on the machine shall be set so as to allow only one lever to be activated. While a different conclusion may be reasonably reached, it appears to me that one vote only would eliminate the possibility of a voter voting for both forms and thereby nullifying his vote.

A majority means the number greater than half of any total. In the hypothetical instance mentioned in your letter the following appears:

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One-half of 91 is 45-½, which must be carried to the next highest number, or 46. A majority of 91 is, therefore, 47, and as no form received this number of votes in the illustration given, no change would be effected.

The instructions set forth on the sample ballot submitted are not violative of the law but, in my opinion, could be more clearly and fairly stated by omitting all of the first paragraph of the instructions except the sentence, 'You must pull only one lever for your vote to count.' The remaining part of the first paragraph is merely a restatement of the identical instructions set forth in numbered paragraphs 1, 2 and 3 of the instructions.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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