

1978 S.C. Op. Atty. Gen. 250 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-217, 1978 WL 22685

Office of the Attorney General

State of South Carolina

Opinion No. 78-217

June 9, 1978

*1 The right to designate the bystander is exclusively with the voter and not with the chairman of the managers or the poll manager appointed by the chairman. Attorney General's Opinion Number 2011, of April 5, 1966, expressly states that the poll manager neither designates nor assists the bystander.

Honorable Tom Elliott
Treasurer of Richland County
2020 Hampton Street
Columbia, S. C. 29204

Dear Mr. Elliott:

You have asked the opinion of this office concerning an interpretation of [Section 7-13-770 of the 1976 Code](#), with reference to the designation by handicapped voters of a 'bystander' to assist them in the voting process.

The specific question you have asked concerns the authority of the poll manager to restrict the designation of 'bystanders'. The language of the statute specifically states that the bystander is 'to be designated by the voter to assist him with preparing his ballot.'

It is the opinion of this Office that the right to designate the bystander is exclusively with the voter and not with the chairman of the managers or the poll manager appointed by the chairman. Attorney General's Opinion Number 2011, of April 5, 1966, expressly states that the poll manager neither designates nor assists the bystander.

It is a frequent and proper practice that candidates may request specific persons who are electors in that precinct to be available as bystanders to assist handicapped voters who wish to designate that person to assist them. Such persons who are made available to act as bystanders must, of course, comply with the statutory provisions concerning conduct at the polls and may not solicit handicapped voters for assistance. They may only make themselves available to assist.

Very truly yours,

Frank K. Sloan
Deputy Attorney General

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