

1978 WL 35200 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1978

*1 Honorable C. Heyward Belser
Chairman
Richland County Election Commission
P.O. Box 4069
Columbia, S.C. 29240

Dear Mr. Belser:

You have asked the opinion of this Office concerning two questions with respect to conduct of elections.

The first question is: 'Can a bystander assist more than one voter, assuming that all requirements for the providing of such assistance are met?' The answer is yes. As pointed out in opinions of this Office dated June 9, 1978, and April 5, 1966, the voter alone and no one else chooses the bystander to assist him. Therefore, any number of voters may choose the same bystander during the course of the election day.

The second question is: 'Can an authorized poll manager require a person who has voted or, after invitation has refused to vote, to remove himself from the area so that such person is no longer available to serve as a bystander for a voter desiring assistance by him?'

The answer is that a poll manager has the discretion under [Code Sections 7-13-760](#) and [7-13-810](#) to require persons to vote promptly and move away from the immediate vicinity of the voting booths or area where the ballots are marked. However, the clear intent of these sections is to prevent illegal voting and interference with the orderly election process. They are not designed to prevent the public from observing the voting process and remaining in the vicinity of the polling place, so long as they are orderly and do not interfere with the voting process.

If such persons are electors of the precinct, they may serve as bystanders when they are designated by the voter, whether or not they have already voted.

Under the provisions of [Code Section 7-13-860](#) any candidate in a general election may appoint a watcher for any voting place, and, provided the designated watcher is an elector of that precinct, he may provide assistance as a bystander when designated by the voter. This may be the preferable procedure, because a properly appointed poll watcher is entitled at all times to be present in the polling place.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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