

1978 WL 35210 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 6, 1978

*1 Honorable Joyce C. Hearn
Representative
District No. 76
State House
Columbia, SC 29201

Dear Representative Hearn:

This letter is to confirm my oral opinion to you on November 3, 1978. You have asked the following questions:

1. How far from a polling place must a pollwatcher stand?

The watcher should be given full opportunity to observe the election process and to see the signatures on the poll list, but the activity of the watcher should not be allowed to interfere with the orderly conduct of the election. South Carolina Code of Laws, 1976, Sections 7-13-860 and 7-13-140. The managers have the authority to place a pollwatcher in any area that the manager designates; however, the watcher should always be placed in an area where the election process can be clearly observed. The actual physical placement of the watchers is one which each manager must make on an individual basis. The decision of where the pollwatcher shall be stationed would depend in part on the physical set-up of the polling precinct, the general conduct of the individual watchers, etc.

2. May an attorney give legal assistance at a polling place in a county in which he does not reside? (ie., challenge ballots, vote irregularities, etc.)

The law does not provide for independent legal assistance. This assistance should come from the county election commission, the county attorney, the Attorney General's office or the State Election Commission. The managers have all been trained in election procedures and are most competent to handle any election problems that should arise during the election. Should they encounter legal problems during the election, they can contact the county election commission, the county attorney, the State Election Commission at 758-2571 or myself at 758-3970. Both the members of the State Election Commission and myself will be in our offices until the polls close.

3. When the head poll manager leaves the polling place without designating a head poll manager in his absence, who has the authority to challenge ballots or who would be in charge relative to ballot challenges? Can any poll manager, in the absence of a poll manager, handle ballot challenges or vote irregularities?

There is no requirement in the law that only the 'head' or chairman of the poll managers handle challenged ballots. Any manager may handle a challenge to a person's right to vote. South Carolina Code of Laws, 1976, Section 7-13-810.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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