

1974 S.C. Op. Atty. Gen. 146 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3770, 1974 WL 22430

Office of the Attorney General

State of South Carolina

Opinion No. 3770

May 8, 1974

**\*1** A person who votes in a primary of one party may not subsequently vote in a primary run-off of another party.

Chairman

Democratic Party of S.C.

Thank you for your letter of April 17, 1974, in which you asked whether or not a person who votes in a primary of one party could subsequently vote in a second primary run-off of another party.

South Carolina Code of Laws, 1962, as amended, Section 23-400.71 states:

The managers at each box shall require every voter to take the following additional oath and pledge: "I do solemnly swear or affirm that I am duly qualified to vote at this primary election and that I have not voted before at this primary election or in any other party's primary election or officially participated in the nominating convention for any vacancy for which this primary is being held."

Under the provisions of this statute a person should not be able to vote in the primary of one party and then vote in a run-off primary of another party. However, this statute would only provide grounds to challenge a person who is attempting to vote in the run-off of one party's primary.

Daniel R. McLeod

Attorney General

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