

1974 WL 27511 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 20, 1974

\*1 Mr. B. E. Hadley, Jr.  
Post Office Box 191  
Irmo, South Carolina 29063

Dear Mr. Hadley:

We are in receipt of your letter of November 19, 1974, in which you requested an opinion on how a vote for a straight party ticket and a subsequent vote opposite one candidate's name of the opposite party should be counted.

It is fundamental that in counting ballots the intent of the voter must control if it can be determined without speculation. See [Rodfearn v. S. C. Board of Canvassers](#), 234 S.C. 113, 107 S.E.2d 10 (1959). Therefore, all the votes that the elector cast that can be determined would count. However, in the specific situation which you have set out, it would be impossible to ascertain whether or not the elector intended to vote for the candidate of the party for which he voted straight party or instead for the candidate of the other party; therefore, the vote for this office, and only this office, should not be counted.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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