

1973 WL 27697 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 14, 1973

***1 Re: Residency Requirement of Poll Managers**

Johnston F. Peeples
Chairman
Richland County Board of Registration
P. O. Box 4069
Columbia, South Carolina 29240

Dear Mr. Peeples:

In light of the oath taken by poll managers under Section 23-400, Code of Laws of South Carolina, I am of the opinion that poll managers are public officers. While there is no court ruling in South Carolina as to residency requirements or poll managers and while the majority of cases other states hold that residents in the political unit for which an officer is selected is not a necessary qualification, I am of the opinion that at least poll managers would have to be residents in the precinct which they serve. (See [120 A.L.R. 672.](#)) My reasoning is based on the requirement in Section 23-400.8, Code of Laws of South Carolina, that substitute managers be qualified voters of their respective precincts and supported by a previous opinion of Attorney General McLeod dated August 22, 1963, relating to magistrates in Orangeburg County. (A copy is enclosed for your information.) If such an opinion creates hardships in securing persons to serve as poll managers, you may wish to seek a declaratory judgment under Section 10-2001, et. seq., Code of Laws of South Carolina.

Please contact me if I can be of any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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