

1974 S.C. Op. Atty. Gen. 149 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3774, 1974 WL 21287

Office of the Attorney General

State of South Carolina

Opinion No. 3774

May 10, 1974

*1 Mr. Thomas O. Lawton, Jr.
County Attorney
P. O. Box 646
Allendale, SC 29810

Dear Mr. Lawton:

In answer to your request for information regarding the qualifications for magistrates and county Directions it appears from a review of the pertinent statutes that both such officials must be residents of the district from which they are elected. The fact that a candidate offers from a district other than the one in which he resides creates definite legal questions. First Article 17, Section 1(a) of the State Constitution requires that a person be a qualified elector in order to qualify for public office. Furthermore, Section 23-68 and 23-211 of the Code of Laws for South Carolina require that a person register and vote in the precinct in which he resides. In conclusion, therefore, a person who is not registered in the precinct in which he resides cannot be considered a qualified elector or if a person is a qualified elector he must offer from a particular electoral unit as provided in 1968 Act 1075.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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