

1974 S.C. Op. Atty. Gen. 295 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3871, 1974 WL 22443

Office of the Attorney General

State of South Carolina

Opinion No. 3871

October 17, 1974

*1 In order to be an eligible candidate for a municipal office, a candidate must be registered to vote in that municipality.

Mayor

Town of Williston

You have informed me that a candidate for municipal office who has resided three years in your town is registered to vote in a county other than the one where he resides. You have inquired whether or not he would be a qualified candidate under these circumstances.

Article IV, Section I of our Constitution states that no person shall be elected to any office in this State or its political subdivisions unless he possesses the qualifications of an elector. Our office has interpreted this provision to mean that in order for a person to be elected to any public office in this State, he must not only be a qualified elector, but that he must be a qualified elector in the county or political unit in which he would be elected. A qualified elector is defined as a person who is legally registered to vote.

The following cases decided by the South Carolina Supreme Court, although not directly in point, clearly indicate that it is necessary requirement in South Carolina for a person to be a qualified elector in the county or other political unit in which he is to be elected. [State v. City Council of Union, 95 S.C. 131](#); [Rawl v. McCowan, 97 S.C. 1, 181 S.E. 959](#); [Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539](#).

Therefore, it would remain the opinion of this office that in order to be an eligible candidate in the municipal election the candidate would have to be a registered elector in that municipality.

Treva Ashworth

Assistant Attorney General

1974 S.C. Op. Atty. Gen. 295 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3871, 1974 WL 22443