

1973 WL 26562 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 12, 1973

***1 Re: No. 80—Elections—Municipal**

Mr. Brooks Huggins
P.O. Box 7
Patrick, S.C. 29584

Dear Mayor Huggins:

In answer to your request for an opinion on the eligibility of persons residing outside the city limits to vote in the municipal elections, Section 23-111(3), Code of Laws of South Carolina, requires a person to reside in the corporate limits to so vote, and Section 23-211 of the Code requires persons to vote in the precinct in which they reside. Therefore, if a person does not hold a valid registration certificate for a municipal precinct or if a person holds such a certificate but has since moved from the city limits, he should not be permitted to vote in the municipal election.

As for a candidate who has been absent because of military service, he is qualified to hold office if he is an elector (registered to vote) and has resided in the city for four months, Section 47-111. For the purpose of this provision, residence should be the same as domicile. Therefore, his absence for military service would not affect his residence for the purpose of holding office once his residence or domicile is established.

Call me if you need any further information.

Sincerely,

Hardwick Stuart, Jr.

1973 WL 26562 (S.C.A.G.)

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.