

1980 WL 121119 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 24, 1980

*1 The Honorable Harris P. Smith
Senator
District No. 1
407 ½ E. First Avenue
Easley, SC 29640

Dear Senator Smith:

Mr. McLeod has referred your recent letter to me for reply. You have inquired if a person can offer as a candidate for Clerk of Court in Pickens County when he is a resident of another county but is employed in Pickens County.

South Carolina Code of Laws, 1976, Section 14-17-10 states that [t]here shall be an election for clerk of the court of common pleas in each county by the qualified voters thereof at each alternate general election, reckoning from the election in the year 1960. See also [South Carolina Constitution, Article V, § 20](#).

[Article VI, Section 1 of the South Carolina Constitution](#) states that no person shall be elected to any office in this State 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 a 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. McGowan, 97 S.C. 1](#); [Thomas v. Macklen, 186 S.C. 290](#).

Therefore, a candidate for the office of the Clerk of Court in Pickens County should be a resident of that county.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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