

1977 WL 37183 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1977

*1 Honorable Martin Sauls
Representative
District No. 122
P.O. Box 162
Ridgeland, SC 29936

Dear Representative Sauls:

Mr. Vic Evans of this Office has referred your recent question to me for reply. You have inquired as to the eligibility of a person to vote in a municipal election who does not live in the municipality but owns a business within the municipality.

South Carolina Code of Laws, 1962, as amended, Section 23-62(3) requires that a person registering to vote be a resident in the county and the polling place. The South Carolina Constitution, Article 2, Section 5 states that "municipal electors ... must have resided in the municipality in which he offers to vote for thirty days next preceding the election." A person, therefore, must live within the municipality in which he offers to vote. A person who does not live within the municipality but who owns a business within the municipality would not be considered a resident for the purposes of voting in a municipal election.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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