

## The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3680  
FACSIMILE: 803-253-6283

January 10, 1994

Mr. George A. Markert  
Assistant Director  
South Carolina Court Administration  
Post Office Box 50447  
Columbia, South Carolina 29250

Dear George:

In a letter to this Office you questioned whether a magistrate must be a resident of the county he serves at the time of appointment and at all times thereafter.

S.C. Code Section 22-1-80(B) states:

No person is eligible to hold the office of magistrate who is not at the time of his appointment a citizen of the United States and of this State, and who has not been a resident of this State for at least five years....

No specific reference is made to county residency. However, prior opinions of this Office dated February 4, 1992 and January 14, 1981, copies of which are enclosed, have referenced that all officers of this State, appointed or elected, must be qualified electors. A qualified elector is an individual legally registered to vote. Blalock v. Johnston, 180 S.C. 40, 185 S.E.2d 51 (1936). Pursuant to S.C. Code Section 7-7-910 an individual is eligible to register to vote in the precinct of his residence. Therefore, an individual may be considered to be a qualified elector of a county only if he resides in that county.

The referenced opinions state that a magistrate must similarly be a qualified elector of a county to be appointed as magistrate for that county and that the individual must continue to be a qualified elector of the county in which he serves as magistrate. Therefore, in response to your question, a magistrate must be a resident of the county he or she serves at the time of appointment. Similarly, such residency requirement continues during the term of the magistrate.

Mr. George A. Markert  
Page 2  
January 10, 1994

If there is anything further, please advise.

Sincerely,

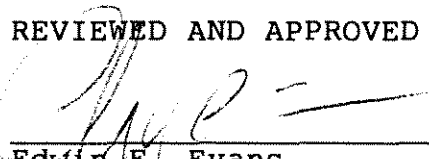


Charles H. Richardson  
Assistant Attorney General

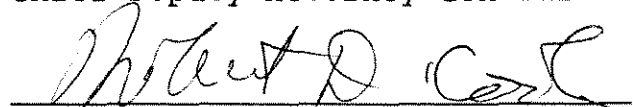
CHR:jca

Enclosures

REVIEWED AND APPROVED BY:



Edwin E. Evans  
Chief Deputy Attorney General



Robert D. Cook  
Executive Assistant for Opinions