

The State of South Carolina



Office of the Attorney General

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March 27, 1987

The Honorable Eugene C. Stoddard
Member, House of Representatives
434A Blatt Building
Columbia, South Carolina 29211

Dear Representative Stoddard:

By your letter of March 12, 1987, you have asked whether members of the Board of Trustees of South Carolina State College must be residents of the State of South Carolina and, if so, currently residing in South Carolina. You have also asked about the criteria used to determine whether a person is a resident of this State.

The same question was addressed with respect to the Board of Trustees of Winthrop College in Opinion No. 1260 dated January 8, 1962, a copy of which is enclosed. Citing what is now Section 8-1-10 of the Code of Laws of South Carolina, the opinion states:

Trustees of Winthrop College are, therefore, officers within the meaning of that term as used in the Constitution of this State. The decisions of the Supreme Court of South Carolina construe the Constitution of this State to require "that all officers, constitutional and statutory, and whether elected or appointed, must be qualified electors."

A qualified elector means a registered elector, and in order to be registered under the laws of this State, residence requirements are necessary.

I, therefore, advise that all trustees of Winthrop College must be residents of this State, must have resided for the period necessary for them to secure registration under the laws of this State, and must, in fact, have been registered electors.

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See also Op. Atty. Gen. dated August 27, 1985, enclosed. This conclusion would be applicable to members of the Board of Trustees of South Carolina State College. Thus, an individual serving on that board must be a qualified and registered elector of the State of South Carolina; he or she must also meet the residency requirements as specified by Section 7-5-120 of the Code, which contains the qualifications for voter registration. 1/

Because an office holder in this State must be a qualified elector, residence would have been determined by the appropriate registration board prior to issuing a certificate of registration to that person. To give you an idea of the criteria used to determine an individual's residence, we are enclosing opinions dated April 11, 1984 and November 22, 1971, detailing the various criteria which may be considered. Of course, such a determination must be made on a case-by-case basis, taking all attendant facts and circumstances into account.

In conclusion, it is the opinion of this Office that a member of the Board of Trustees of South Carolina State College must be a qualified and registered elector of this State and thus must meet the residency qualifications as specified in the voter registration statutes.

We trust that the foregoing and the enclosed materials will satisfactorily respond to your inquiry. If you have additional questions, please advise.

With kindest regards, I am

Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

PDP/an
Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions

1/ Section 7-5-120(2) requires that an elector be a "resident in the county and in the polling precinct in which the elector offers to vote."