

1983 WL 181740 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 9, 1983

*1 J. Warren Tompkins, III
Executive Director
South Carolina Republican Party
Post Office Box 5247
Columbia, South Carolina 29250

Dear Mr. Tompkins:

I am in receipt of your letter. You have stated that at least two counties had their precinct lines redrawn after the time of the party's reorganization meeting. You have inquired if it would be necessary to reorganize the party prior to the official time set by statute for such reorganization.

SOUTH CAROLINA CODE OF LAWS, 1976, Section 7-9-40, provides that '[m]embers of a political party shall belong to a club in the voting precinct set forth in their respective registration certificates.' Section 7-9-50 provides for reorganization of the club each general election year at a time and day to be established by the county committee. Section 7-9-70 provides for county conventions and the method whereby delegates are elected to the county convention. This section provides in part: Provided, that where new precincts have been created or where the areas of precincts have been redefined the party executive committee of the affected counties shall apportion delegates from the clubs representing such precincts.

This provision contemplates a change in the precincts from the time of the reorganization meetings at the precinct meetings to the time of the county convention. It expressly provides for the change to be made without a new reorganization of the affected precincts.

Therefore, it would appear that the legislature anticipated this problem and provided a way of handling the situation without a reorganization of the precincts. You expressed a concern about possible committeemen not residing in the precinct to which they were elected. In general law if residency is a requirement of office and that person no longer resides in the district, he would no longer have the qualifications of office and would have to resign. 63 AM. JUR. 2d Public Officers and Employees §§ 42, 47; 67 C.J.S. Officers §§ 75, 100.

These conclusions are based solely on a reading of the statutes set out above. It may be that the Republican Party has established its own rules which would have an effect on this question. Also, the counties may have a specific problem that for some viable reason would require reorganization. However, in the absence of a known problem or Party rule it would appear that the statute does not provide for a reorganizational meeting.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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