

1977 WL 37184 (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 status of a mayor who has moved outside of a municipality after his election as a mayor.

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. McCowan, 97 S.C. 1, 181 S.E. 959](#); [Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539](#). See also South Carolina Code of Laws, 1962, as amended, Section 47-91.

63 Am.Jur.2d. Public Officers and Employees, § 42 states

Eligibility to public office is of a continuing nature and must exist at the commencement of the term and during the occupancy of the office. The fact that the candidate may have been qualified at the time of his election is not sufficient to entitle him to hold the office, if at the time of the commencement of the term or during the continuance of the incumbency he ceases to be qualified.

Therefore, as it is a necessary requirement for a mayor to reside within the municipality he represents, if he should move from the municipality after his election, he would no longer be qualified to serve as the mayor.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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