

1977 WL 37325 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1977

\*1 Honorable S. Hunter Howard, Jr.  
Member  
House of Representatives  
State House  
Columbia, South Carolina

Dear Representative Howard:

You have requested an opinion as to whether or not a person residing in the Taylors Fire and Sewer District and receiving only fire services can run for election to the Commission.

It is my understanding that you had been informed that this question had been posed to our Office in a letter-requesting an opinion on the eligibility of this individual to run. We have not received any written communication on this question. In an effort to expedite consideration of your question, I have discussed the factual situation with Joe Earle, Esquire; Glen Baldwin Esquire; Sol Abrams, Esquire; and Peggy Foster. After talking to these persons, it is my understanding that the legal situation is as follows: The Taylors Fire and Sewer District annexed a contiguous area which receives only fire protection services. From this annexed area, a man was appointed by the Governor to fill a vacancy on the Commission. An election is now to be held in the District and the man who was appointed to the Commission is offering as a candidate. The question is whether or not he can serve on the Commission when he is only receiving fire services. There is no statutory prohibition to this offering as a candidate. The 1958 Act which establishes the original service district stated that 'the commission shall consist of three resident electors of the district to be elected by the qualified electors of this district.'

To my knowledge these election procedures have not been amended. Therefore, a person living within the district but only receiving fire protection could be a candidate for election to the Commission.

It should be pointed out that should any question arise as to the propriety of this opinion, a declaratory judgment could be brought in order to determine the legal question involved.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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