

1975 WL 29507 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 14, 1975

*1 David H. Crum, Esquire
P. O. Box 97
Denmark, South Carolina 29042

Dear Mr. Crum:

You have informed me that a question has arisen as to whether or not a person elected as a city councilman can serve if it should be found that the individual lives in a house that is bisected by the city line. I am enclosing a 1959 Attorney General's Opinion (Op. No. 66) which deals specifically with this question. Apparently if the city line bisects a person's house, he will be considered to be a resident of that area where he habitually sleeps, eats, sits, receives visitors, etc. If the division must by necessity be made finer, the determination would be resolved by the location of the area in which the individual habitually sleeps. See also [Abington v. North Bridgewater, 23 Pick. 170 \(Mass. 1839\)](#).

In addition you have inquired what section of the code deals with mandatory recounts; this may be found at South Carolina Code of Laws, 1962, as amended, § 23-476.3.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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