

1975 WL 29790 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 8, 1975

\*1 A. Ray Godshell, Esquire  
City Attorney  
Post Office Box 66  
Gaffney, South Carolina 29340

Dear Mr. Godshell:

This letter is to confirm our telephone conversation of May 7, 1975. You have stated that an alderman in Gaffney is planning on moving from the ward he represents and the question has arisen as to whether or not he can continue representing the ward which elected him.

Gaffney comes within the statutory provisions of South Carolina Code of Laws, 1962, Section 47-371 et seq. Section 47-731 states in part:

If a city be divided into wards the alderman from each ward shall be a qualified elector thereof . . .

Act No. 1121 of the 1966 Acts and Joint Resolutions [1966 (54) 2784] authorized the mayor and aldermen to be elected at large and further provided that:

. . . the City of Gaffney shall have a mayor and six councilmen, one from each ward, who shall be elected by the qualified voters of the city at large . . . (Emphasis added)

The general provisions of the code and the specific provisions for Gaffney require that the alderman elected from each ward be a resident of that ward.

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 commencement of the incumbency he ceases to be qualified. See also, [State v. City Council of Union](#), 95 S.C. 131, 78 S.E. 738 (1913).

Therefore, if the alderman moves from the Ward he represents, he would no longer be qualified to represent this ward.  
Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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