

1974 WL 27668 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 18, 1974

***1 In Re: Charles D. Ravenel 1974 Gubernatorial Campaign**

Mr. Donald L. Fowler
Chairman
Democratic Party of South Carolina
2825 Millwood Avenue
Columbia, South Carolina 29250

Dear Mr. Fowler:

You have requested my opinion as to whether Mr. Charles D. Ravenel is eligible to serve as Governor of this State if elected at the General Election to be held in November 1974.

The Constitution of South Carolina, in Article IV, Section 2 thereof, provides, in part:

‘No person shall be eligible to the office of Governor—who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election.—’

I have reviewed the facts as transmitted by you and as discussed in conversation with Mr. Ravenel and his counsel. These facts are set forth in the separate memorandum submitted herewith. This memorandum sets forth the legal authorities and the historical documents which have been consulted.

It is undisputed that Mr. Ravenel registered to vote, and voted in the State of New York in the elections held there in 1968, 1970, and 1971. This circumstance, in my opinion, is inconsistent with a claim of citizenship and residence in the State of South Carolina during the five-year period preceding November 1974. Mr. Ravenel's statement of position, however, may have a persuasive effect upon another official considering this problem, which I consider to be one of mixed law and fact.

I seriously doubt that Mr. Ravenel is eligible to serve as Governor by reason of his inability to demonstrate that he has been a citizen and resident of the State of South Carolina for the period November 1969 to November 1974, as required by the Constitution of South Carolina. I do not express a more categorical opinion because, in my view, this question should be determined by a court of law. It is important, complex, lacking precedential authority, subject to varying interpretations of mixed questions of law and fact, and probably productive of other and additional factual circumstances; it should, therefore, be authoritatively determined in a court.

Very truly yours,

Daniel R. McLeod
Attorney General

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