

1974 WL 27499 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1974

*1 William K. Charles, Jr., Esq.
City Attorney
P. O. Box 276
Greenwood, South Carolina 29646

Dear Mr. Charles:

Thank you for your letter of October 25, 1974. You have stated that pursuant to South Carolina Code of Laws, 1962, Sections 47-371, 47-372 and Section 2-1 of the Ordinance of the City of Greenwood one alderman is required to be elected from each Ward, and each alderman shall be a resident of the Ward in which he offers his candidacy. Now one elected alderman is preparing to move out of the Ward in which he was elected and you have inquired whether or not he will be qualified to continue serving.

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, if the alderman moves from the Ward he represents, he would no longer be qualified to represent this Ward.

Sincerely,

Treva Ashworth
Assistant Attorney General

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