

1973 WL 26613 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 14, 1973

\*1 Honorable Joseph R. Riley, Jr.  
Member  
House of Representatives  
Charleston County  
Post Office Box 665  
Charleston, South Carolina 29402

Dear Joe:

Thank you for your letter of February 8, 1973, inquiring as to whether the Sullivan's Island Township Commission may be enlarged so as to provide that one member of the Commission be a non-resident of the Island, but one who owns real estate therein.

In my opinion, this question is answered in the negative by the case of [Thomas v. Macklen](#), 186 S.C. 290, 195 S.E. 539, which was decided under a subsequently amended constitutional provision. The subsequent amendments, however, incorporate almost identical provisions and, in particular, those relating to residence as a requirement for suffrage. A number of cases reflect the constitutional requirement that an officeholder must be a qualified elector of the political unit in which he holds office. Another constitutional provision cited by the court in [Macklen](#) (Article 8, Section 1) is constitutional amendment now pending before the Legislature, but constitutional amendment now pending before the Legislature, but the ratification of the new amendment still requires that the General Assembly provide by general law for the organization, powers, and duties of municipalities in each of the classes established. There is thus no inherent change, in my view, from the constitutional provisions contained in the Constitution of 1895, and cited by the court in [Macklen](#), and the amendments or proposed amendments thereof.

It appears therefore clear to me that the proposed procedure for permitting non-residents to hold office in a municipal corporation such as is here involved would be invalid.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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