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To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 4/1/2016 3:44:10 PM
Subject: FW: PEBA and Retirement Investment Commission

Yes, the appointees must reside in AND be registered to vote in South Carolina.

Pursuant to Article XVII, Section 1 of the State Constitution: *"No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector."* Pursuant to Section 7-5-110 et al., an elector is a citizen of SC or the US who is registered to vote in the precinct of his residence. In other words, "qualified elector" means "registered elector" – i.e. registered in the county in which he is a resident. Therefore, an individual must be a registered voter in the district he is to represent. Although the authorizing statute may not specify residency requirements for a particular office, it must be necessarily implied to prevent circumvention of the Constitution.

In this case: Because the PEBA Board and the Retirement Investment Commission are state offices, then the appointees must be registered to vote in South Carolina.

Again, there is no AG Opinion on point, and we can request one for a more definitive answer.

From: Philpott, Katie
Sent: Tuesday, March 22, 2016 5:00 PM
To: Schimsa, Rebecca
Cc: Pisarik, Holly
Subject: PEBA and Retirement Investment Commission

Can you tell me if there is any residency requirement for our appointees to these Commissions (PEBA and Retirement Investment Commission)? Do they need to live in state?

I don't see anything in the enabling statute but am not sure if there are requirements in any other statutes.

Thanks.

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