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Date: 9/30/2015 1:49:42 PM
Subject: Boards Questions - residency, voter, and lobbyist

Question: Whether members of the Jasper County Voters Registration & Election Board must be residents of Jasper County.

Answer: Yes, a member of a County Voters Registration & Election board must be a resident of that county. Pursuant to Section 7-5-10(A)(1), the Governor must appoint competent and discreet persons in each county *who are qualified electors* of that county. Therefore, all members to the Jasper County VRE Board must be residents of and voters in Jasper County.

Question: Whether members of the Foster Care Review Board must be eligible to vote.

Answer: No, there does not appear to be a statutory voter registration requirement. Pursuant to Section 63-11-700, all members of the State Foster Care Review Board must be past or present members of local review boards. Further, pursuant to Section 63-11-710, all local board members must be residents of the judicial circuit which they represent. Therefore, members of the State Board must be past or current members of a local board where a residency, but not a voter, qualification was required. Note that it is not uncommon for statutes to cite "qualified electors" as a qualification for board memberships, but it is not included for either the State or Local Foster Care Review Boards.

Question: Whether a registered lobbyist may serve on the Beaufort-Jasper Higher Education Commission.

Answer: Yes, a registered lobbyist may serve on the Beaufort-Jasper Higher Education Commission, because it is a local commission, not a state commission, and therefore, the lobbyist prohibition does not apply. Pursuant to Section 2-17-110, a lobbyist may not serve as a member of a state board or state commission. Pursuant to Section 8-13-100(3), a state board or commission is an agency created by legislative action which has statewide jurisdiction and which exercises some sovereign power of the State. Pursuant to Section 59-56-20, the Beaufort-Jasper Higher Education Commission has the authority over operations within Beaufort County, Jasper County, or both. Accordingly, because the Commission does not operate statewide jurisdiction, it is most likely not considered a state board, and therefore the lobbyist prohibition does not apply.