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HENRY McMASTER  
ATTORNEY GENERAL

April 24, 2006

Michael Truesdale, Esquire  
Assistant General Counsel  
SC Department of Motor Vehicles  
Post Office Box 1498  
Blythewood, South Carolina 29016

Dear Mr. Truesdale:

We received your letter requesting an opinion of this Office "on the classification of the South Carolina Lieutenant Governor. Specifically, is the Lieutenant Governor a 'Constitutional Officer' and, if so, where does that designation originate?"

**Law/Analysis**

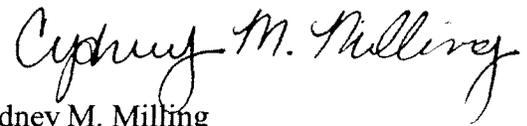
Constitutional officers are those whose offices are created by the South Carolina Constitution. See e.g., Henry v. Horry County, 334 S.C. 461, 514 S.E.2d 122 (1999) (stating sheriffs are constitutional officers pursuant to article V, section 24 of the South Carolina Constitution); Op. S.C. Atty. Gen., February 23, 2004 ("The office of Solicitor is a constitutional office pursuant to Article V, § 24 of the South Carolina Constitution."). Article IV, section 8 of the South Carolina Constitution (1976) establishes the office of the Lieutenant Governor. Thus, we find the Lieutenant Governor is a constitutional officer.

Furthermore, we find support for this conclusion in McLeod v. Mills, 256 S.C. 21, 180 S.E.2d 638 (1971), a case addressing salaries of constitutional officers. Id. In that opinion, our Supreme Court referred to the Lieutenant Governor as one of one of the constitutional officers whose salary was in dispute. Id. Thus, indicating the Supreme Court also deems the Lieutenant Governor a constitutional officer.

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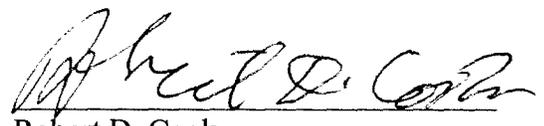
In conclusion, we find the Lieutenant Governor, whose office was established by the South Carolina Constitution, is a constitutional officer.

Very truly yours,



Cydney M. Milling  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General