



HENRY McMASTER
ATTORNEY GENERAL

September 15, 2008

Hubert F. Harrell, Director
South Carolina Criminal Justice Academy
5400 Broad River Road
Columbia, south Carolina 29212-3540

Dear Mr. Harrell:

In a letter to this office you raised a question regarding the interpretation of S.C. Code Ann. § 23-11-110 which deals in part with the years of experience that an individual must have in order to offer his candidacy for the office of sheriff. Such provision states:

- (A) All sheriffs in this State must have the following qualifications:
- (1) be a citizen of the United States;
 - (2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;
 - (3) be a registered voter;
 - (4) have attained the age of at least twenty-one years prior to the date of his qualifying for election to the office;
 - (5) have:
 - (a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years' experience as a certified law enforcement officer; or
 - (b) obtained a two-year associate degree and three years experience as a certified law enforcement officer; or
 - (c) obtained a four-year baccalaureate degree and one year's experience as a certified law enforcement officer; or
 - (d) served as a summary court judge for at least ten years....

Such provision further states further that “[f]or purposes of this section, a "certified law enforcement officer" is a person who has been issued a certificate as a law enforcement officer pursuant to Section 23-6-400(D)(1).”

Section 23-11-110 also states that

(B)(1) A person offering his candidacy for the office of sheriff, shall file a sworn affidavit, no later than the close of filing, with the county executive committee of the person's political party. The county executive committee of any political party with whom a person has filed his affidavit must file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on Saturday, Sunday, or a holiday, the affidavits must be filed by noon the following day. A person seeking nomination by petition must file a sworn affidavit with the county election commission in the county of his residence.

(2) The affidavit must contain the following information:

- (a) the date and place of the person's birth;
- (b) the date the person graduated from high school or the date the person obtained the recognized equivalent of a high school diploma;
- (c) the date the person received any associate or baccalaureate degrees when applicable;
- (d) the number of years' experience the person has had as a certified law enforcement officer when applicable;
- (e) the number of years the person has served as a summary court judge when applicable; and
- (f) an affirmation that the person meets all of the qualification requirements of subsection (A). (emphasis added).

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

As set forth above, all sheriffs must have certain qualifications which depending upon their educational level include a specified number of years experience as a certified law enforcement officer. Furthermore, subsection (B) states that an individual offering as a candidate for sheriff must file an affidavit "no later than the close of filing" which sets forth "the number of years' experience

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the person has had as a certified law enforcement officer when applicable.” Therefore, in the opinion of this office, an individual must have the requisite number of years of experience at the time of filing for election. The provision should not be construed as allowing the period up to the time of election in which to gain the necessary experience.

With kind regards, I am,

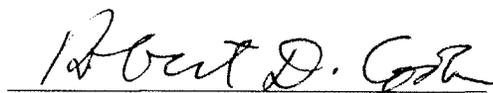
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
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REVIEWED AND APPROVED BY:



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