

4348 Libby

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

December 11, 1990

Mr. Wade Arnette
Coroner-Elect for Berkeley County
Box 486
Moncks Corner, South Carolina 29461

Dear Mr. Arnette:

In a letter to this Office you questioned whether you may retain your state constable's commission after you are sworn in as coroner. You particularly questioned any dual office holding prohibitions in such regard.

Article XVII, Section 1A and Article VI, Section 3 of the State Constitution have been amended to provide that the position of state constable is no longer considered an office for dual office holding purposes. See: Ops. Atty. Gen. dated September 6, 1990, May 2, 1989, January 31, 1989. Of course, pursuant to Section 23-1-60 of the Code the Governor retains discretion as to the appointment of individuals as constables. Also, pursuant to such provision "all appointments of ... constables ... without compensation shall expire sixty days after the expiration of the term of the Governor making such appointment." Therefore, you should contact the Governor's office and/or the State Law Enforcement Division as to your constable's commission.

With kind regards, I am

Very truly yours,

Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:

Robert D. Cook
Executive Assistant for Opinions