

1981 WL 158237 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 20, 1981

*1 Honorable Alex Harvin, III
House of Representatives
505-B Blatt Building
Columbia, South Carolina 29211

Dear Mr. Harvin:

You have requested an opinion concerning whether one who holds a SLED Constable's Commission and is also a member of a municipal governing body violates the Constitutional provision which prohibits dual office holding. This office has on numerous occasions issued opinions that one who holds a SLED Constable's Commission serves as a public officer for dual office holding purposes. See Attorney General Opinion No. 39-53 (1975), Attorney General Opinion No. 39-55 (1975), Attorney General Opinion No. 4029 (1975), Attorney General Opinion No. 4315 (1976), Attorney General Opinion No. 77-334 (1977). Similarly, one who serves on a municipal governing body occupies the position of a public officer for dual office holding purposes. See Attorney General Opinion No. 3963 (1975), Attorney General Opinion No. 4139 (1975), Attorney General Opinion No. 77-402 (1977).

Accordingly, it is the opinion of this office that one who simultaneously holds a SLED Constable's Commission and who serves on a municipal governing body would constitute dual office holding.

Very truly yours,

James W. Johnson, Jr.
Assistant Attorney General

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