

1980 WL 121105 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 18, 1980

*1 Philip E. Wright, Esquire
Lancaster County Attorney
Post Office Box 150
Lancaster, South Carolina 29720

Dear Mr. Wright:

You have requested an opinion from this Office as to whether or not a person employed by the Lancaster County Ambulance Service can also serve as coroner without violating the dual office-holding prohibition of the South Carolina Constitution. In my opinion, he can so serve for the reasons discussed below.

Article XVILL, § 1A, CONSTITUTION OF SOUTH CAROLINA, provides in part that ‘no person shall hold any two offices of honor and profit at the same time.’ The South Carolina Supreme Court has held that in order for this provision to be violated, a person must hold concurrently two public offices which have duties involving an exercise of some part of the sovereign power of the State. [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907). This Office has previously issued opinions to the effect that a coroner does hold a public office involving a substantial exercise of the sovereign power of the State. 1968 Op.Atty.Gen. No. 2555; see also, §§ 17-5-10 to 17-5-110 and 17-7-10 to 17-7-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended. The same would not be true for a person employed by the county ambulance service, unless the person employed holds a position created by statute or ordinance and performs duties exercising considerable governmental functions. Assuming that not to be the case here, the following quotation from [Sanders v. Belue](#) is applicable to the position:

. . . one who merely performs the duties required of him by persons employing him under an express contract or otherwise, though such persons be themselves public officers, and though the employment be in or about public work or business, is a mere employee. 78 S.C. at 174.

For the foregoing reasons, my opinion is that an employee of the Lancaster County Ambulance Service does not hold a public office by virtue of that employment.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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