



ALAN WILSON
ATTORNEY GENERAL

September 24, 2015

Kayla Buchanan
SCTR – Bates Township Summary Court
114 N. Poinsett Highway
Travelers Rest, SC 29690

Dear Ms. Buchanan:

This Office received your request for an opinion. You are asking if you can be employed as a constable¹ for a magistrate court and run for sheriff at the same time. You explain that you will resign as constable if you are elected sheriff. You inform us that the county does not have a policy against it.

LAW/ANALYSIS:

According to a prior opinion we wrote, “[t]he political activity of Judicial Department employees and officers is restricted. . .” *Op. S.C. Atty. Gen.*, April 15, 2004, Op. No. 8 - 2004 (2004 WL 6033424). Rule 507(1)(C), SCACR provides that “[a]n employee or officer of the Judicial Department may not. . . [b]e a candidate for elective office in a partisan election. . . .” Accordingly, you may not be employed as a magistrate court constable and run for sheriff at the same time. You would have to resign your position in order to run for sheriff.

CONCLUSION:

You would have to resign your position as a magistrate court constable in order to run for sheriff.

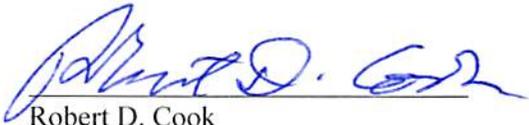
Sincerely,

Elinor V. Lister
Assistant Attorney General

¹ Your job description as constable includes serving civil papers, writing civil/criminal receipts and warrants, assisting the magistrate judge with striking the jury, evicting tenants, and administrative duties. You fill in for the judge’s administrative assistant when she is out of the office. You also hold a class one certification for law enforcement from the State of South Carolina.

Kayla Buchanan
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REVIEWED AND APPROVED BY:

A handwritten signature in blue ink, appearing to read "Robert D. Cook", written over a horizontal line.

Robert D. Cook
Solicitor General