

1976 S.C. Op. Atty. Gen. 327 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4465, 1976 WL 23082

Office of the Attorney General

State of South Carolina

Opinion No. 4465

September 24, 1976

\*1 Mr. Wayne Adams  
Acting Executive Director  
South Carolina Republican Party  
P. O. Box 5247  
Columbia, SC 29250

Dear Mr. Adams:

I am in receipt of your recent letter in which you inquired if a mayor can serve as a presidential elector.

The South Carolina Constitution prohibits two persons from holding two offices of honor or profit at the same time. In [Sanders v. Belue](#), 78 S.C. 171, 174, 58 S.E. 762 (1907), the South Carolina Supreme Court defined ‘public officer’ as one who is charged by law with duties involving an exercise of some part of the sovereign power, whether small or great, in the performance of which the public is concerned, and which are continuing and are not occasional or intermittent.

A presidential elector is a state office (letter of September 21, 1976 to Wayne Adams) and a mayor holds a state office.

Therefore, it would be the opinion of this Office that a person could not simultaneously hold the position of mayor and presidential elector.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

1976 S.C. Op. Atty. Gen. 327 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4465, 1976 WL 23082