

1975 S.C. Op. Atty. Gen. 207 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4139, 1975 WL 22435

Office of the Attorney General

State of South Carolina

Opinion No. 4139

September 25, 1975

*1 Mr. Geddes D. Anderson
Attorney At Law
P. O. Box 708—Park Plaza
Greenwood, SC 29646

Dear Mr. Anderson:

We are in receipt of your recent letter in which you requested an opinion of this Office as to whether or not an individual may run for city council and be employed as a police officer. There would be no prohibition in general against a person employed as a police officer running for an elective office unless the police department has established rules and regulations which would prohibit the candidacy of an employee of the police department.

I believe, however, that your true question is whether or not a person could serve in both capacities. Holding the position of city councilman is an office within the Constitutional dual office prohibition. Whether or not the position of police officer is an office within the meaning of the Constitution is extremely vague and questionable. However, it has been the past opinion of this Office that it probably does constitute an office. Therefore, it would be the opinion of this Office that the holding of the positions of police officer and councilman would constitute dual office holding.

You have raised the question if holding both positions wouldn't be in conflict with Section 47–47 of the Home Rule Act. This section is not in effect at this time and, therefore, would not be applicable.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

1975 S.C. Op. Atty. Gen. 207 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4139, 1975 WL 22435