

1983 WL 181772 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 1, 1983

*1 Chief J. P. Strom
State Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29221

Dear Chief Strom:

You have requested the opinion of this Office on the question of whether a member of the Council of Advisers on Consumer Credit holds an office under the dual office holding provisions of the South Carolina Constitution such that he could not also hold a State Constable's Commission.

It is provided in [Article XVII, § 1A of the South Carolina Constitution](#) that ‘. . . no person shall hold two offices of honor or profit at the same time.’ For this provision to be contravened, a person concurrently must hold two public offices which have duties involving an exercise of some portion of the sovereign power of the State. [Sanders v. Belue, 78 S.C. 171 \(1907\)](#). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. [State v. Crenshaw, 266 S.E.2d 61 \(1980\)](#).

The Council of Advisers on Consumer Credit is established by §§ 37-6-301 through 37-6-303, [Code of Laws of South Carolina, 1976](#). It functions solely in an advisory capacity to the Administrator of the Commission on Consumer Affairs and its members have no authority to exercise a portion of the sovereign power of the State. It is the conclusion of this Office that a person serving on the Council of Advisers on Consumer Credit would not be considered to hold an office under the South Carolina Constitution and could, therefore, hold a State Constable's Commission.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

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