

1976 S.C. Op. Atty. Gen. 121 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4303, 1976 WL 22923

Office of the Attorney General

State of South Carolina

Opinion No. 4303

March 19, 1976

*1 The Honorable Albert L. Kleckley

Member

House of Representatives

Drawer X

Ridgeland, South Carolina 29936

Dear Mr. Kleckley:

You have requested my opinion as to whether Section 30–6 of the 1962 Code of Laws for South Carolina is constitutional.

The statute, as you point out, provides that ‘no senator or representative shall, during the term for which he was elected, be elected by the General Assembly or appointed by any executive authority to any civil office under the dominion of this State which shall have been created during the time for which such senator or representative was elected to serve in the General Assembly.’

This provision of law, in my opinion, is valid and constitutional. In substantial part, it is incorporated also in the Constitution of the United States and I am aware of no basis upon which its constitutionality may be questioned.

With best wishes,

Very truly yours,

Daniel R. MeLeod

Attorney General

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