

1972 WL 25364 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 23, 1972

**\*1 Re: Dual Office Holding; City Councilman and City Police Officer**

Mr. R. T. Stevenson  
City Administrator  
Orangeburg, South Carolina

Dear Mr. Stevenson:

You inquire whether or not a member of City Council may be appointed as a city policeman with powers as a law enforcement officer. Mr. McLeod has referred your letter to me for reply.

This Office has held many times that both positions involved in your question are offices within the meaning of Article 2, Section 2, Constitution of South Carolina, which prohibits any person from holding two offices of honor or profit at the same time.

The South Carolina Supreme Court has held that when a person accepts appointment to a second office, he thereby vacates the first office to which he was elected or appointed. Wolher v. Harris, 170 S.C. 242, 170 S.E. 270.

It is the opinion of this Office that a member of City Council, who accepts appointment as a city peace officer, may lawfully serve in that capacity, but that upon acceptance of such appointment, his position as councilman is terminated by operation of constitutional law.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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