

1972 WL 25355 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 15, 1972

*1 The Honorable Snead Schumacher

Senator

District One

State of South Carolina

Box 512

Walhalla, South Carolina 29691

Dear Senator Schumacher:

In answer to your letter of May 30, 1972, inquiring as to whether or not the holding of both a commission as constable and as a non-paid warden for Game Zone One constitutes dual officeholding, this office is of the opinion that the holding of both of these offices by a single person falls within the prohibition against dual officeholding. Both the office of constable and of warden are 'offices of honor or profit' within the meaning of article 2, § 2, of the Constitution of South Carolina, which prohibits the holding of more than one such office at any time by one person. The offices in question are ones of 'honor or profit' in that they are created by statute; their duties are defined by law; they are both commissioned; and both offices require the taking of an oath and the posting of bond.

I hope this has sufficiently answered your question in the matter. If this office may be of further assistance, please contact us.

Sincerely,

Elizabeth Crum

Law Clerk

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