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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

May 7, 1998

Gene Beckman, Director of Appointments  
Office of the Governor  
P.O. Box 11369  
Columbia, South Carolina 29211

Re: Informal Opinion

Dear Mr. Beckman:

You have asked whether an individual may simultaneously serve as a Master-in-Equity and as a municipal court judge without violating the dual office holding prohibitions of the South Carolina Constitution.

Article XVII, Section 1A of the State Constitution provides that "no person may hold two offices of honor or profit at the same time ...," with exceptions specified for an officer in the militia, member of a lawfully and regularly organized fire department, constable, or notary public. 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, 58 S.E. 762 (1907). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its duties or salary, or require qualifications or an oath for the position. State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 (1980).

This office has previously concluded that the position of Master-in-Equity would be considered an office for dual office holding purposes. Op. Atty. Gen. dated June 5, 1981. This Office has also concluded that the position of municipal court judge would be considered an office for dual office holding purposes. Op. Atty. Gen. dated September 9, 1991. Therefore, it must be concluded that one who would simultaneously serve as a Master-in-Equity and as a municipal court judge would violate the dual office holding prohibitions of the state Constitution.

*Request Letter*

Mr. Beckman  
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This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul M. Koch". The signature is written in a cursive, slightly stylized font.

Paul M. Koch  
Assistant Attorney General