



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

August 26, 1999

R. Allen Young
Town Attorney
Town of Mount Pleasant
P.O. Box 745
Mount Pleasant, South Carolina 29465

RE: Informal Opinion

Dear Mr. Young:

Your opinion request has been forwarded to me for reply. You have informed this Office that a Mount Pleasant municipal court judge is contemplating running for the political office of Charleston County Solicitor. You acknowledge in your request that the dual office holding prohibitions of the state constitution would be violated if the individual were to simultaneously serve in both capacities. Therefore, your question is limited to whether an acting municipal court judge may run for or participate in an election for the office of Charleston County Solicitor.

I have not been able to locate any statute or constitutional provision prohibiting a municipal court judge from offering for elected office. However, if a conflict does exist, such may fall within the Canons of Judicial Conduct. The question of whether a member of the judiciary has a conflict of interest is a matter outside the jurisdiction of this Office. Thus, as to any interpretation of the Judicial Canons, I must respectfully refer you to the Advisory Committee on Standards of Judicial Conduct for advice or an advisory opinion.

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.

Mr. Young
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With best personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "Paul M. Koch".

Paul M. Koch
Assistant Attorney General