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*Liberty*

The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

March 5, 1996

The Honorable Delorice B. Cox  
Marlboro County Auditor  
Post Office Box 468  
Bennettsville, South Carolina 29512

RE: Informal Opinion

Dear Ms. Cox:

By your letter of February 26, 1996, to Attorney General Condon, you have sought an opinion on whether it would be permissible for you, as Marlboro County Auditor, to hold that position and offer for election as the Marlboro County Treasurer. You have asked whether you would be required to resign from the office of Auditor to be a candidate for Treasurer. You have advised that you were recently reelected to your current office for a four-year term (1995-1999).

As I advised you by telephone, I would confirm that there is no state law requiring that you resign from your current office to offer for election to the office of Marlboro County Treasurer. Your office does not receive federal funding, and so there is no need to consider the federal Hatch Act. Dual office holding is not a consideration because you are only inquiring about offering for election to an office; you would not have a problem with dual office holding under the South Carolina Constitution unless and until you should be elected to the office of Marlboro County Treasurer and attempt to hold both positions at the same time.

The only other consideration of which you would want to be aware would be the requirements and restrictions of the state ethics laws, relative to campaigning and using your office for personal financial gain, and the like. For advice concerning the ethics laws, I would respectfully refer you to the State Ethics Commission.

The Honorable Delorice B. Cox

Page 2

March 5, 1996

I trust that this letter is responsive to your inquiry. If you have additional questions, please do not hesitate to advise.

This letter is an informal opinion only. It has been written by a designated Senior 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 am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General