

*add*

The State of South Carolina



Office of the Attorney General

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June 28, 1985

The Honorable Raymond Billy Parker  
Sheriff, Edgefield County  
200 Railroad Street  
Edgefield, South Carolina 29824

Dear Sheriff Parker:

You have asked whether one person may serve simultaneously as Sheriff of Edgefield County and as chief of a volunteer fire department without violating the dual office holding prohibition of the State Constitution.

Article XVII, § 1A of the South Carolina Constitution provides that "... no person shall hold two offices of honor or profit at the same time." 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 tenure, 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 concluded on numerous occasions that a sheriff holds an office. See, for example, Ops. Atty. Gen. dated January 11, 1985 (enclosed); July 3, 1957; and January 4, 1980.

Similarly, this Office has concluded that volunteer firemen, chiefs or otherwise, would hold an office for dual office holding purposes, due to the exercise of police powers. See Ops. Atty. Gen. dated October 26, 1984; June 15, 1984; and March 28, 1983 (copies of all enclosed).

Continuation Sheet Number 2

To: The Honorable Raymond Billy Parker  
June 28, 1985

Based on the numerous prior opinions of this Office concerning the two positions, we would advise that one who would serve simultaneously as a sheriff and as chief of a volunteer fire department would most probably contravene the dual office holding prohibition of the State Constitution.

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP:djg

Enclosures

REVIEWED AND APPROVED BY:

*Robert D. Cook*  
Robert D. Cook  
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