

1983 WL 181752 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 16, 1983

*1 Thurmond Bishop, Esquire

Bishop, Hughston & Daniel
122 Court Square
Abbeville, South Carolina 29620

Dear Mr. Bishop:

You have requested the opinion of this Office on the question of whether a person serving concurrently as a County Coroner and as a guard at the County Farm deputized as a sheriff's deputy or police officer would be in violation of the dual office holding provisions of the South Carolina Constitution.

It is provided in [Article XVII, § 1A of the South Carolina Constitution](#) 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 \(1907\)](#). 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, 266 S.E.2d 61 \(1980\)](#).

The position of county coroner is provided for in §§ 17-5-10 through 17-5-110 and 17-7-10 through 17-7-670, [Code of Laws of South Carolina](#), 1976. This Office has issued numerous opinions concluding that coroners and deputy coroners hold offices within the meaning of the South Carolina Constitution. [See, e.g., 1968 Op. Att'y. Gen. No. 2555](#); and [Op. Att'y. Gen. dated January 2, 1980 \(copies enclosed\)](#). This conclusion is based upon the fact that coroners are elected public officials, who perform a public function involving an exercise of the sovereign power of the State on a continuing basis.

When you refer to a guard at the County Farm who may be deputized as a sheriff's deputy or police officer, I assume you mean that this person may be made a special deputy or constable by the Governor pursuant to [§ 23-1-60, Code of Laws of South Carolina](#), 1976. In previous opinions, this Office has held that a person who is deputized or holds a constable's commission is an officer for constitutional purposes. [See, 1968 Op. Att'y. Gen. No. 2555](#); and [Opinion dated October 27, 1977 \(copies enclosed\)](#). This conclusion is based upon the fact that the authority given under this section includes that of enforcing the criminal laws of the State.

Based upon the foregoing, it is the opinion of this Office that a person serving concurrently as both a County Coroner and as a guard at a County Farm deputized pursuant to [§ 23-1-60, Code of Laws of South Carolina](#), 1976, would be in violation of the provisions of the South Carolina Constitution prohibiting dual office holding.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

1983 WL 181752 (S.C.A.G.)