

1983 S.C. Op. Atty. Gen. 32 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-17, 1983 WL 142688

Office of the Attorney General

State of South Carolina

Opinion No. 83-17

May 18, 1983

*1 Mr. Barney R. Sloan
Route 1, Box 394
Lyman, South Carolina 29365

Dear Mr. Sloan:

As I understand it, you have requested the opinion of this Office on the question of whether it would be a violation of the dual office holding provisions of the South Carolina Constitution for a member of the Board of Fire Control for the Piedmont Rural Fire District to also hold a State Constable's Commission.

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 and whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position.

This Office has previously held on a number of occasions that persons holding constable's commissions hold office for dual office purposes. [See, 1973 Op. Atty'y. Gen. No. 3455; 1968 Op. Att'y. Gen. No. 2555; Opinion dated October 27, 1977 \(copies enclosed\)](#).

My research reveals that the Piedmont Rural Fire District was set up by the Legislature by Act No. 551 of the 1971 Acts and Joint Resolutions. The powers given the members of the Board of Fire Control include those of buying fire fighting equipment, selecting drivers and volunteer firemen, and promulgating rules and regulations regarding equipment use. Since the members of the Board are engaged in a public purpose and perform functions involving the exercise of the sovereign power of the State, they most probably also hold offices.

Based on the foregoing, it is the opinion of this Office that it would constitute dual officeholding for a person to hold a State Constable's Commission and also serve on the Board of Fire Control for the Piedmont Rural Fire District.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

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