

1981 WL 158099 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 16, 1981

\*1 Mr. John D. Monroe  
Chairman  
Richland County Republican Party  
Post Office Box 5153  
Columbia, South Carolina 29250

Dear Mr. Monroe:

Your letter of April 8 came just before I left the City for approximately a week and I have just now had an opportunity to respond to it. You inquire as to the application of the dual officeholding provision of the Constitution with regard to William M. Campbell, a Member of the House of Representatives, who is employed also as an Assistant Solicitor for the Fifth Judicial Circuit.

A request from other than a Member of the Legislature or certain State officials is one to which a response is not generally made, in that I am authorized only to advise certain, designated officers of the State. Exceptions sometimes exist with respect to other matters of general Statewide concern, but, in this instance, I think it inappropriate to respond to your request for an opinion for the reason that you do not occupy an official position.

Mr. Campbell called me after your letter was sent and indicated that he, too, would request an opinion, and to that request, I, of course, will respond. I have not received such a letter from Mr. Campbell but I am certain that I would require precise specifications and description of the job which he holds with the Solicitor's office. Once that has been accomplished, an opinion can be formulated. Irrespective of the conclusion which I may reach, Mr. Campbell's position as a Member of the House rests in the judgment of the House which, constitutionally, judges the qualifications of its own membership. This was recognized in the case of Culbertson v. Blatt, decided by the Supreme Court of South Carolina some years ago.

Very truly yours,

Daniel R. McLeod  
Attorney General

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