

1982 WL 189259 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 20, 1982

*1 J.P. Strom
Chief
S.C. Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29211

Dear Chief Strom:

You have asked the opinion of this Office on the question of whether a person concurrently holding positions of non-paid State Constable and unsalaried Deputy Coroner would be in violation of the provisions in the South Carolina Constitution prohibiting dual office holding.

It is provided in [Article XVII, § 1A of the South Carolina Constitution](#) that ‘. . . no person shall hold two offices of honor and profit at the same time.’ See also Article VI, § 3. For this provision to be violated, a person must hold concurrently 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 \(1907\)](#).

This Office has issued previous opinions concluding that a person holding a non-pay State Constable's Commission is an officeholder for constitutional purposes. Op. Atty. Gen'l. issued to Chief J. P. Strom on May 30, 1979; 1977 Op. Atty. Gen'l., No. 77-334, p. 265; 1973 Op. Atty. Gen'l. No. 3455, p. 28; Op. Atty. Gen'l. issued to George M. Stoudemire on November 2, 1971, (copies attached hereto). The conclusion has also been reached in previous opinions that the position of deputy coroner is an office in the constitutional sense. Op. Atty. Gen'l. issued to Andrew Brock on Jan. 1980; 1977 Op. Atty. Gen'l., No. 77-372, p. 297; Op. Atty. Gen'l. issued to Senator Frank McGill on April 20, 1977, (copies attached hereto). This conclusion is based upon the fact that deputy coroners can perform all of the duties given to coroners, and therefore no differentiation should be made between the two positions in the context of the dual office holding prohibition of [Article XVII, § 1A of the Constitution](#). See, [§ 17-5-70, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. A different conclusion should not be reached for unsalaried deputy coroners because the factor upon which the prior opinions have turned has been the exercise of the sovereign power of the State.

Based on the foregoing, it is the opinion of this Office that a person concurrently holding the office of non-pay State Constable and unsalaried deputy coroner would be in violation of the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler
Staff Attorney

1982 WL 189259 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.