

1982 WL 189367 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 15, 1982

\*1 David H. Wilkins, Esquire  
Post Office Box 675  
Mauldin, South Carolina 29662

Dear Mr. Wilkins:

You have requested the opinion of this Office on the question of whether a person currently serving as a Police Chief can also serve as a part-time Assistant Coroner without violating 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 \(1980\)](#).

This Office has concluded in prior opinions that police chiefs are public officers under the South Carolina Constitution. 1974-1975 Op. Atty. Gen., No. 4137; 1966-1967 Op. Atty. Gen., No. 2324; Op. of June 25, 1980 to Archie D. Willis (copy enclosed); and [see, State v. Crenshaw, supra](#). We have also concluded previously that coroners and deputy coroners hold offices for dual office holding purposes. 1968 Op. Atty. Gen., No. 2555, p. 250; Op. of January 2, 1980 to Andrew W. Brock (copy enclosed); [see §§ 17-5-10 through 17-5-110, and 17-7-10 through 17-7-670, Code of Laws of South Carolina, 1976; and Article V, § 20, South Carolina Constitution](#). If by ‘assistant coroner’ you mean a person deputized by the coroner under § 17-5-70, then, consistent with the authority cited above, that person would be considered an office holder. Since this conclusion is based on a finding that deputy coroners are authorized to exercise a portion of the sovereign power of the State, the part-time nature of the office would not affect this decision.

Based on the foregoing, it is the opinion of this Office that a person could not serve concurrently as Police Chief and as a part-time assistant coroner without violating the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler  
State Attorney

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