

1980 WL 121037 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 2, 1980

*1 Mr. Andrew W. Brock
Route #1
Post Office Box 430
Walhalla, South Carolina 29691

Dear Mr. Brock:

You have asked the opinion of this Office on whether it would be a violation of the constitutional provision prohibiting dual officeholding for a person employed as a city policeman to serve concurrently as a deputy coroner.

[Article XVII, § 1A of the South Carolina Constitution](#) provides ‘. . . no person shall hold two offices of honor and profit at the same time.’ Also see 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 part of the sovereign power of the State. [Sanders v. Bolue, 78 S.C. 171 \(1907\)](#). Thus, to answer the question posed by you, it must be determined if the positions of city police officer and deputy coroner are both offices within the meaning of [Article XVII, § 1A](#).

This Office previously has issued opinions concluding that a city police officer holds a public office involving a substantial exercise of the sovereign power of the State. 1975 Op. Atty. Gen., No. 4139, p. 207; 1966-1967 Ops. Atty. Gen., No. 2324, p. 147; 1971-1972 Ops. Atty. Gen., No. 3335, p. 168. The same conclusion has been reached by this Office with regard to coroners. 1968 Op. Atty. Gen., No. 2555, p. 250; also see §§ [17-5-10](#) to [17-5-110](#), and [17-7-10](#) to [17-7-670](#), [Code of Laws of South Carolina](#); [Article V, § 20, South Carolina Constitution](#). Because deputy coroners may perform all of the duties appertaining to the office of coroner, there appears to be no justification for differentiating between the two positions in the context of the [Article XVII, § 1A](#) prohibition.

Based on the foregoing, it is the opinion of this Office that a person concurrently holding the offices of city police officer and deputy coroner would be in violation of [Article XVII, § 1A](#).

We sincerely apologize for any inconvenience caused by the delay in issuing this opinion.

With personal regards,

James M. Holly
State Attorney

ATTACHMENT

Mr. James W. Johnson, Jr.

Assistant Attorney General

Post Office Box 11549

Columbia, S.C. 29211

Dear Mr. Johnson:

In regards to my letter of July 12, 1979, to your Office for an opinion concerning dual office holding. I am not trying to rush you or your office in any way, I was just concerned that maybe the Post Office Department had lost your correspondence in the mail. I am certain that I will receive your reply as soon as you are able to send it to me. I will be looking forward to hearing from you. Thank you in advance for your diligent work on this matter.

Sincerely,

Andrew W. Brock
Seneca Police Department

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