

1982 WL 189471 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 20, 1982

*1 Mr. Joseph Newton
Town Administrator
Town of Pageland
126 North Pearl Street
Pageland, South Carolina 29728

Dear Mr. Newton:

You have requested the opinion of this Office on the question of whether a police officer may be appointed as an election registrar without violating the dual office holding provisions of the South Carolina Constitution. I assume when you refer to an election registrar you mean a member of the County Board of Registration.

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 numerous opinions that city policy officers are empowered to exercise a portion of the sovereign power of the State and are, therefore, officers under the dual office holding provisions of the South Carolina Constitution. [See, Opinion dated January 2, 1980, to Mr. Brock \(copy attached\) and opinions cited therein](#). As well, the South Carolina Supreme Court held in the case of [State v. Crenshaw, supra](#), that policemen were officers rather than employees within the meaning of [§ 16-9-220 of the Code of Laws of South Carolina \(1976\)](#).

County Boards of Registration are established by [§§ 7-5-10 et. seq., Code of Laws of South Carolina, 1976](#), as amended, and the terms of office and duties of their members are provided for therein. This Office has concluded in several past opinions that members of these Boards are officers for dual office holding purposes. [See, Opinion dated August 5, 1981 to Representative Matthews; Opinion dated July 17, 1963 to Mr. Mishoe; and 1961 Op. Att’y. Gen., No. 1115 \(copies attached\)](#).

Based on the foregoing, it is the opinion of this Office that a person serving as a police officer and as a member of a County Board of Registration would be in violation of the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

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