

1980 WL 120747 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1980

*1 Mr. Archie D. Willis
Post Office Box 565
Charleston, South Carolina 29402

Dear Mr. Willis:

You have asked the opinion of this Office on whether a chief of police may also serve as a member of a county medical examiner commission.

[Article XVII, § 1A of the South Carolina Constitution](#) states ‘. . . that 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 concurrently must hold two public offices that have duties involving an exercise of some part of the sovereign power of the State. [Sanders v. Belue, 78 S.C. 171 \(1907\)](#).

The county medical examiners commission is created and provided with certain powers and duties by § 17-5-210 to [§ 17-5-330, Code of Laws of South Carolina](#), 1976. Based on these statutes, membership on this commission would constitute the holding of a public office within the meaning of [Article XVII, § 1A](#). See [State v. Crenshaw](#), Op. No. 21189, Supreme Court of South Carolina, April 9, 1980.

This Office has previously determined that the positions of police chief and policeman are public offices. 1974-1975 Ops. Atty. Gen., No. 4153; 1966-1967 Ops. Atty. Gen., No. 2324; also see § 5-7-110 and [State v. Crenshaw](#), where the Supreme Court held that a policeman is an official rather than an employee.

For the foregoing reasons, it is the opinion of this Office that [Article XVII, § 1A of the South Carolina Constitution](#) would prohibit a chief of police concurrently serving as a member of a county medical examiner commission.

Sincerely,

James M. Holly
Assistant Attorney General

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