

1977 WL 37332 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1977

*1 Honorable C. P. Brewer
Mayor
City of Loris
4101 Walnut Street
Loris, South Carolina 29569

Dear Mayor Brewer:

Your request for an opinion on dual office holding has been referred to me for reply. You have asked whether the positions of a city recorder and a city attorney are offices as that term is used in the State Constitutional prohibition against dual office holding. This Office has previously ruled that the position of a city recorder is an office. 1957 Ops. Att'y. Gen. 103. In accord with this opinion is Act No. 555 of the 1960 Acts and Joint Resolutions (p. 1506) which establishes the office of a city recorder for the City of Loris.

This Office also ruled, in the above-cited opinion, that if the Code of Laws of South Carolina or an appropriate municipal ordinance created the position of municipal attorney, then such position was determined to be an office in the Constitutional sense. Yesterday, Assistant Attorney General George Beighley issued an opinion, a copy of which is enclosed, which brings me to the conclusion that one cannot hold the position of city recorder and city attorney without violating the dual office holding prohibition of the State Constitution.

If I can be of any further help, please let me know.

Sincerely,

Richard D. Bybee
Legal Assistant

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