

1978 S.C. Op. Atty. Gen. 83 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-58, 1978 WL 22540

Office of the Attorney General

State of South Carolina

Opinion No. 78-58

March 23, 1978

\*1 The Honorable George W. Gregory, Jr.

Member

House of Representatives

Chesterfield County

121 Chesterfield Road

Cheraw, South Carolina 29520

Dear George:

The question has been submitted as to whether a magistrate may run for (a) probate judge or (b) county council without resigning his position as magistrate.

Canon 7 of the Code of Judicial Conduct provides that:

‘A judge should resign his office when he becomes a candidate, either in a party primary or in a general election for a non-judicial office—.’

A magistrate is a judge within the uniform judicial system of this State and, as such, is subject to the provisions of the above Canon. The position of county councilman is a non-judicial office and a magistrate may not become a candidate for such position without resigning his position as magistrate. The position of probate judge is a judicial office and the application of this Canon does not appear to be effective to require the resignation upon becoming a candidate of that office.

With best wishes,

Very truly yours,

Daniel R. McLeod

Attorney General

1978 S.C. Op. Atty. Gen. 83 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-58, 1978 WL 22540

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.