

1978 WL 34817 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1978

*1 Honorable Fred T. Moore
House of Representatives
District No. 7—Anderson County
Box 505
Honea Path, South Carolina 29654

Dear Representative Moore:

Attorney General McLeod has asked me to respond to your recent request for an opinion. You have inquired as to whether or not a Mayor of a municipal corporation may be employed by a State agency without violating any constitutional or statutory restrictions.

It has previously been the opinion of this Office that the State's constitutional restrictions on dual officeholding do not prohibit a public official or officer from holding a position of employment with a governmental agency. Therefore, the situation you propose would not violate the State's constitutional restrictions on dual officeholding. Further, under the recently enacted Home Rule Act, the only restrictions placed on employment by a Mayor would be employment with a municipal corporation. Therefore, this statute does not control or restrict employment by a State agency.

For these reasons, a Mayor of a municipal corporation could be employed by the State of South Carolina in harmony with current statutory and constitutional provisions.

Sincerely,

George C. Beighley
Assistant Attorney General

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