

1978 WL 34988 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 18, 1978

*1 Mr. J. Eugene Altman
P. O. Box 55
Aynor, S. C. 29511

Dear Mr. Altman:

In response to your letter to this Office in which you asked is a magistrate elected in a preferential primary, please be advised that pursuant to [Article V, Section 23 of the South Carolina Constitution](#) the governor, by and with the consent of the Senate appoints the magistrates for each county. Therefore, the elections that are generally held in many locations for magistrate are simply advisory nominations for the office of magistrate. The governor may either comply with the results of such advisory elections or choose another individual he desires to appoint to the office.

As to your second question concerning whether a magistrate is eligible to hold an office as Executive Committeeman in the Democratic party or any other party, there is no statutory prohibition against such. However, please be advised that Canon 7 of the Code of Judicial Conduct states as follows:

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office.

Therefore, it appears it would be inappropriate for you to hold an office of a political party.

With best wishes, I am

Very truly yours,

Charles H. Richardson
Assistant Attorney General

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