

1975 S.C. Op. Atty. Gen. 28 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3955, 1975 WL 22253

Office of the Attorney General

State of South Carolina

Opinion No. 3955

January 28, 1975

***1 In Re: Dual Office Holding; Aeronautics Commissioners; Governor's Constables Without Compensation**

Honorable John W. Hamilton
Director
South Carolina Aeronautics
Commission
Post Office Box 1769
Columbia, South Carolina 29202

Dear Mr. Hamilton:

You have inquired whether or not members of the Aeronautics Commission may be commissioned as Governor's constables without pay.

Article 2, Section 2, Constitution of South Carolina, reads in part:

'But no person shall hold two offices of honor or profit at the same time: . . .'

The South Carolina Supreme Court has held [[State v. Buttz, 9 S.C. 156](#)] that when a person qualifies for a second 'office' he vacates his first 'office' as a matter of law.

This Office has rendered the opinion heretofore numerous times that members of governing bodies of State agencies, such as the Aeronautics Commission, are 'officers' within the meaning of Article 2, Section 2, as are Governor's constables without pay - - - since they have full police authority.

In view of the foregoing, it is the opinion of this Office that a member of the Aeronautics Commission may not also hold the position of Governor's constable without pay at the same time.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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