

1975 S.C. Op. Atty. Gen. 34 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3963, 1975 WL 22261

Office of the Attorney General

State of South Carolina

Opinion No. 3963

February 5, 1975

\*1 Mr. Albert E. Wheless  
Town Attorney  
Town of North Myrtle Beach  
Box 1038  
North Myrtle Beach, South Carolina 29582

Dear Mr. Wheless:

Thank you for your letter of January 29 inquiring ‘whether there is any conflict or dual officeholding if a member of the County Police is also a member of the City Council.’

In my opinion, this would probably constitute dual officeholding. I use the word ‘probably’ because the Supreme Court has on one occasion held that a chief of police is an officer. See [Edge v. Town of Cayce](#), 187 S.C. 171, 197 S.E. 216. Whether this would extend to police below the rank of chief, I do not know, although I have attempted to bring the matter before the Supreme Court, but they declined on the ground that a justiciable controversy was not presented. I think also that statutory relief would be a help so as to authorize such appointments, but this, of course, is not a complete answer. Whether dual officeholding exists or not is a judicial matter and not a legislative matter, but action by the Legislature would tend to obviate the problem.

With best wishes,  
Cordially,

Daniel R. McLeod  
Attorney General

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