

1975 S.C. Op. Atty. Gen. 67 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3997, 1975 WL 22295

Office of the Attorney General

State of South Carolina

Opinion No. 3997

March 17, 1975

*1 The Honorable John D. Long, III

Senator

Box 266

Union, South Carolina 29379

Dear Senator Long:

You have inquired whether the position of deputy sheriff may be occupied by the same person while additionally holding office as a member of the county board of election commissioners.

I advise that, in my opinion, this may be a violation of the dual officeholding provision of the State Constitution. In [Edge v. Town of Cayce](#), 187 S.C. 171, 197 S.E. 216, the Supreme Court of this State held that a chief of police was an officer within the meaning of the Constitution. I have since attempted to obtain a declaration from the Court as to whether a policeman, who was not a chief, was also within the prohibition of the Constitution, but I have been unable to do so.

In my opinion, the holding of both positions would probably constitute a violation of the Constitution but a conclusive answer cannot be given until the Supreme Court rules on the precise question.

In order to avoid any possible charge of dual officeholding, I would strongly advise that the same person should occupy only one of these positions; otherwise, a claim of vacancy in office may be successfully made.

With best wishes,

Very truly yours,

Daniel R. McLeod

Attorney General

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