

1975 S.C. Op. Atty. Gen. 101 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4029, 1975 WL 22326

Office of the Attorney General

State of South Carolina

Opinion No. 4029

May 13, 1975

***1** Representative Lloyd Hunt

State House

Columbia, South Carolina

Dear Representative Hunt:

You have inquired as to whether a member of the Taylors Fire and Sewer District Commission may serve as a state constable without violating the dual officeholding provisions set forth by Article VI, Section 3 of the Constitution of South Carolina.

I am enclosing a copy of a recent opinion by Attorney General McLeod which concludes that state constables are public officers subject to the dual officeholding prohibition. In addition, I am enclosing a copy of an opinion concerning whether a commission member of a special purpose district created by statute can hold another office. This opinion, representative of many such opinions on this subject, concludes that commission members of special purpose districts are public officers and therefore subject to the dual officeholding prohibition in our Constitution. Thus, as both the positions of state constable and commissioner of a special purpose district created by statute are public offices, it would be a violation of the provisions of the Constitution which prohibit dual officeholding for an individual to serve simultaneously as state constable and member of the Taylors Fire and Sewer Commission.

You have also inquired as to whether a commissioner serving on the Taylors Fire and Sewer District Commission can accompany and assist the district policeman on duty in the area. While I am aware of no provision of law that would prevent the commissioner from accompanying and assisting the policeman, the commissioner would not have arrest or other police powers.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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