

1975 WL 28968 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 30, 1975

***1 In Re: Dual Office Holding; City Recorder—Assistant City Recorder**

J. Franklin McClain, Esquire
Hall and McClain
Attorneys and Counsellors at Law
116 East Market Street
Anderson, South Carolina 29621

Dear Mr. McClain:

You have inquired whether or not one person may hold the positions of city recorder of one municipality and assistant city recorder of the City of Anderson at the same time—in view of Article 17, Section 1A, Constitution of South Carolina, which prohibits any person from holding two offices of honor or profit at the same time.

A person holding the office of city recorder exercises a portion of the sovereignty of the State, which is the principal earmark of what constitutes an ‘office’ within the constitutional concept. 1963-64 Ops. Atty. Gen., No. 1669. It is my understanding that the duties of an assistant city recorder are the same as those of a city recorder [Section 10-11.1, Ordinances of the City of Anderson].

In view of the foregoing, it is the opinion of this Office that one person may not hold the positions of city recorder of any municipality and assistant city recorder of the City of Anderson at the same time.

Your attention is directed to [State v. Buttz, 9 S.C. 156](#), holding that when a person qualifies for a second ‘office’ he vacates the first ‘office’ to which he was elected or appointed.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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