

1975 S.C. Op. Atty. Gen. 205 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4137, 1975 WL 22433

Office of the Attorney General

State of South Carolina

Opinion No. 4137

September 26, 1975

\*1 The offices of Chief of Police and Fire Chief constitute dual office holding when held simultaneously by one individual.

TO: John B. Williams, Esquire  
Bonneau Town Attorney  
Post Office Box 1288  
Moncks Corner, South Carolina 29461

QUESTION PRESENTED:

Your question as presented to our office is whether the offices of Chief of Police and Fire Chief constitute dual office holding under Art. 2, Section 2, of the Constitution of South Carolina when held simultaneously by one individual.

AUTHORITIES:

[Edge v. Town of Cayce](#), 187 S.C. 171, 197 S.E. 216; [Sanders v. Belue](#), 78 S.C. 171; Sec. 47–1171, 1962 Code of Laws of South Carolina, as amended.

DISCUSSION:

It is the established opinion of this Office that the office of Chief of Police constitutes an ‘office’ under Art. 2, Sec. 2, of the Constitution of South Carolina. [Edge v. Town of Cayce](#), 187 S.C. 171, 197 S.E. 216.

In regard to the office of Fire Chief, there is no established opinion as to whether this position constitutes an ‘office’; however, the office of Fire Chief, since it is provided for by statutory law (Sec. 47–1171 of Code of Laws of South Carolina (1962), as amended), falls under the [Sanders v. Belue](#), 78 S.C. 171 concept of an office holder: ‘one who is charged by law with duties involving an exercise of some part of the sovereign power. . .’

It is the opinion of this Office that the holding of the two offices aforementioned is a violation of the dual office holding provisions of the Constitution of South Carolina.

Joseph C. Coleman  
Deputy Attorney General

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