

1974 WL 27778 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1974

*1 Senator Raul M. Moore
251 Magnolia Street
Spartanburg, South Carolina 29301

Dear Senator:

You have requested that this Office advise you as to whether a magistrate must resign his office in order to file for and run for a seat in the House of Representatives of this State.

There is nothing in our State law which prohibits an office holder from serving while he is a candidate for another office. Such office holder in this instant must, of course, perform his duties, as similarly situated magistrates, and must not let his campaign interfere with those duties.

I am aware of no specific Spartanburg County statute which would prohibit such a magistrate from running and filing for another political office.

It is therefore the opinion of this Office that this magistrate may continue to serve as such until he is elected to another office, and in the event he is defeated he may continue as magistrate.

The only exceptions to this opinion are in certain instances where municipal offices are involved.

If we may be of any further assistance to you please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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