

1974 WL 27943 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1974

*1 James I. Redfearn, Esq.
300 East Main Street
Chesterfield, South Carolina 29709

Dear Mr. Redfearn:

Mr. McLeod has referred your letter of August 13, 1974, to me for reply. You have inquired whether or not it would constitute dual office holding or a conflict of interest for one individual to hold the office of Public Defender and County Attorney and/or City Recorder.

It has been the prior opinion of this office that a city recorder is an office. Whether or not a county attorney is an office would depend upon how the office itself is created. If the position is created by state statute or city ordinance and the duties of the position make it an 'office' rather than mere employment, it would be violative of the dual office prohibitions of the State Constitution for one individual to hold the office of county attorney and another office.

Even if not prohibited by dual office holding provisions, it is doubtful that a county attorney could hold the additional positions of city recorder and/or public defender due to the apparent possibilities of conflict of interest.

Sincerely,

Treva Ashworth
Assistant Attorney General

1974 WL 27943 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.