

1973 S.C. Op. Atty. Gen. 42 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3466, 1973 WL 20930

Office of the Attorney General

State of South Carolina

Opinion No. 3466

January 29, 1973

*1 Honorable Fred C. Craft
Director
Civil Defense Agency
Rutledge Building
1429 Senate Street
Columbia, South Carolina 29201

Dear General Craft:

Thank you for your letter of January 16, 1973, inquiring as to whether the position of Civil Defense Director for a municipality is an office within the meaning of the dual officeholding provision of the State Constitution.

It is my opinion that municipal Civil Defense Directors appointed pursuant to the provisions of Section 44–308, Code of Laws, 1962, are not officers within the meaning of the constitutional provision and that one occupying such a position may hold an office such as County Commissioner at the same time he serves as such Civil Defense Director without violating the dual officeholding provisions of the State Constitution. The position of municipal Civil Defense Director probably involves some exercise of the State sovereignty, but other indicia of the position of an office appear to be totally absent and, in my view, preclude its characterization as an office.

Very truly yours,

Caniel R. McLeod
Attorney General

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