

1973 WL 26837 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 13, 1973

*1 The Honorable LeRoy Stabler
Magistrate
District No. 4
Swansea, South Carolina 29160

Dear Judge Stabler:

Thank you for your letter of June 29 inquiring as to whether you may serve as a magistrate and also as a member of the Tax Assessment Control Board of Lexington County without violating the dual officeholding provision. The latter office of Control Board member is without pay.

The position of magistrate is an office. The Tax Assessment Control Board is created pursuant to Section 65-3565, Code of Laws, 1962, as amended in 1970 (70 Acts 2034). The Board determines means of making a fair and equitable assessment of all taxable property in the County.

These two positions, in my opinion, each constitute offices, as their duties are fixed by law, the terms of office are fixed, and in each capacity you exercise a portion of the sovereignty of the State. I believe, therefore, that if you occupy both offices, you will be in violation of the dual officeholding provisions.

Very truly yours,

Daniel R. McLeod
Attorney General

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