

1973 WL 26937 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 25, 1973

\*1 Mr. W. M. Huff  
13 Henderson Street  
City View, South Carolina

Dear Mr. Huff:

Mrs. Henderson has asked that I answer your inquiry concerning whether holding the offices of City View Water Commissioner and State Constable simultaneously constitutes dual office holding.

Article II, § ?? of the South Carolina Constitution provides that no person shall hold two offices of honor and profit at the same time. In Section 50-1 of the Code of Laws of South Carolina the term 'public officer' is noted as including those public officers whose duties are defined by State law.

Both the positions of constable and Water Commissioner constitute public offices within the terms of Section 50-1 as both have been created by statute. Sections 32-103 and 53-3 of Code of Laws of South Carolina. Accordingly, occupancy of the offices of Water Commissioner and State Constable by one individual clearly constitutes dual office holding in violation of the Constitution of South Carolina.

Sincerely,

Joseph Isaacs  
Law Clerk

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