**South Carolina General Assembly**

119th Session, 2011-2012

**S. 676**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Knotts

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Introduced in the Senate on March 9, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Public office holders as dual officeholders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2011 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2011\03-09-11.docx))

3/9/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj%20archive\2011\03-09-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[3/9/2011](file:///p:\pprever\2011-12\676_20110309.docx)

**A** **BILL**

TO AMEND SECTION 8‑1‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC OFFICERS NOT CONSIDERED DUAL OFFICEHOLDERS, SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, OR DEPUTY CORONER EMPLOYED BY A POLITICAL SUBDIVISION OTHER THAN THE ONE IN WHICH THEY SERVE AS A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, OR DEPUTY CORONER IS NOT CONSIDERED A DUAL OFFICEHOLDER FOR THE PURPOSES OF THE CONSTITUTION OF SOUTH CAROLINA, 1895.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that the Constitution of South Carolina, 1895, prohibits a person from holding two offices of honor or profit at the same time. The General Assembly further finds that the critical inquiry in analyzing dual office holding is whether each position is a public office. By this act, the General Assembly clarifies that certain named positions are not considered public offices for purposes of the constitutional ban on dual office holding.

SECTION 2. Section 8‑1‑130 of the 1976 Code, as added by Act 127 of 1987, is amended to read:

“Section 8‑1‑130. Notwithstanding another provision of law, for purposes of the prohibition against holding two offices of honor or profit provided in the Constitution of this State, the prohibition does not apply to any member of a lawfully and regularly organized fire department, county veterans affairs officer, constable, a commissioned law enforcement officer, a corrections officer, or a deputy coroner who holds a local office in a political subdivision other than the one in which they serve as a commissioned law enforcement officer, corrections officer, or deputy coroner, or municipal judge serving as attorney for another city ~~is not considered to be a dual officeholder, by virtue of serving in that capacity, for the purposes of the Constitution of this State~~.”

SECTION 3. This act takes effect upon approval by the Governor and upon ratification of the constitutional amendment exempting from the prohibition against holding two offices of honor or profit at the same time as provided in the Constitution of the State a commissioned law enforcement officer, corrections officer, or deputy coroner employed by a political subdivision other than the one in which they serve as a law enforcement officer, corrections officer, or deputy coroner.

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