**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3545**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Umphlett, Duncan and M.A. Pitts

Document Path: l:\council\bills\ms\7150zw09.docx

Introduced in the House on February 17, 2009

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

Summary: Dual officeholders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/17/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑6

2/17/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑6

**VERSIONS OF THIS BILL**

[2/17/2009](file:///p:\pprever\2009-10\3545_20090217.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 AN OFFICER IN THE MILITIA, NOTARY PUBLIC, DELEGATE TO A CONSTITUTIONAL CONVENTION, LAW ENFORCEMENT OFFICER WHO HOLDS A LOCAL OFFICE, AND A CORRECTIONS OFFICER WHO HOLDS A LOCAL OFFICE ARE 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:

(1) an officer in the militia;

(2) a notary public;

(3) a delegate to a constitutional convention;

(4) a law enforcement officer who holds a local office in a political subdivision other than the one in which he serves as a law enforcement officer;

(5) a corrections officer of a political subdivision who holds a local office in a political subdivision other than the one in which he serves as a corrections officer;

(6) ~~Any~~a member of a lawfully and regularly organized fire department~~,~~;

(7) a county veterans affairs officer~~,~~;

(8) a constable~~,~~; or

(9) a 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~~a political subdivision other than the one in which he sits as a judge.”

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 in the Constitution of the State a law enforcement officer and corrections officer employed by a political subdivision other than the one in which they serve as a law enforcement or corrections officer.

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