

1983 WL 181800 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 16, 1983

*1 Paul D. Deane, Jr.
Director
Orangeburg County Library
Post Office Box 1367
Orangeburg, South Carolina 29115

Dear Mr. Deane:

In response to your letter of March 10, 1983, in which you inquire as to whether it would be dual office holding for you to concurrently occupy a position on the Orangeburg County Board of Education for District #5 and also serve as chief librarian for the county library system, I have examined [§ 4-9-36 of the Code of Laws of South Carolina, 1976 \(1982 Cum.Supp.\)](#) and § 9-59 of the Orangeburg County Code which provide for your position as chief librarian. My examination of those two provisions reveals that you are probably an employee rather than officeholder so that you would not be prohibited from serving on the board of education. [Section 4-9-36 of the South Carolina Code](#) empowers the county library board of trustees to, '[e]mploy a chief librarian whose qualifications and credentials shall meet the certification requirements of the State Library Board, and who shall be responsible to the county library board for the administration of the program and the selection of library staff members required to carry out the functions of the library system.' (emphasis added) Section 9-59 of the Orangeburg County Code is to the same effect.

Although the conclusion is not free from doubt, it is the opinion of this Office after reviewing the language and contents of the provisions cited above, that the duties given a chief librarian do not require the exercise of the sovereign power of the State and therefore he or she would not be an officeholder for dual office holding purposes.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

1983 WL 181800 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.