

1984 WL 249983 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 24, 1984

\*1 D. Carlyle Baxley  
District Chairman  
Kershaw Soil and Water Conservation District  
Post Office Box 604  
Camden, South Carolina 29020

Dear Mr. Baxley:

By your letter of September 18, 1984, you have asked whether the simultaneous holding of positions on a county council and as a commissioner of a soil and water conservation district would constitute dual office holding in contravention of the Constitution of the State of South Carolina. This Office has issued an opinion dated March 29, 1982 (copy enclosed), addressing these two positions, concluding that the simultaneous holding of both positions would violate [Section 4-9-100, Code of Laws of South Carolina](#) (1983 Cum.Supp.) and [Article XVII, § 1A of the state constitution](#).

Your letter mentioned that your board was appointing associate commissioners. It should be noted that the State Land Resources Conservation Commission appoints two members of the district commissions pursuant to [Section 48-9-610 of the Code](#), to serve with the three members elected pursuant to [Section 48-9-1220 of the Code](#). It is assumed that you were referring to those commissioners appointed by the SLRCC.

Please advise this Office if we may provide additional assistance or information.

Sincerely,

Patricia D. Petway  
Assistant Attorney General

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