

1983 WL 181990 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 6, 1983

\*1 The Honorable Francis X. Archibald  
Member  
House of Representatives  
1128 John Rutledge Avenue  
Hanahan, South Carolina 29406

Dear Representative Archibald:

You have requested the opinion of this office on the question of whether it would be a violation of the dual office holding provisions of the South Carolina Constitution for a Hanahan city councilman to also serve as a part-time unpaid voting registrar for Berkeley County.

[Article XVII, § 1A of the South Carolina Constitution](#) provides that ‘. . . no person shall hold two offices of honor or profit at the same time.’ For this provision to be contravened, a person concurrently must hold two public offices which have duties involving of some portion of the sovereign power of the State. [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 \(1907\)](#). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. [State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 \(1980\)](#).

This office has previously determined that a member of a city council holds an office within the meaning of the dual office holding provisions of the Constitution. See, 1981 [Op. Atty. Gen.](#), dated September 30, 1981, and 1982 [Op. Atty. Gen.](#), dated June 18, 1982 (copies enclosed). This conclusion appears to be based upon the fact that the position of municipal councilman is an elective office which duties involve an exercise of the sovereign power of the State.

County Boards of Registration are established by [§§ 7-5-10 et seq., Code of Laws of South Carolina \(1976\)](#), which provide for the terms of office and duties of their members. This office has repeatedly expressed the opinion that members of voter registration boards are public officers for dual office holding purposes. See, 1982 [Ops. Atty. Gen.](#), dated October 20, 1982 and October 22, 1982 (copies enclosed). This is true regardless of whether the registrar is part-time and/or unpaid, as the registrars are empowered to exercise the sovereign power of the State.<sup>1</sup>

Based on the foregoing, it is the opinion of this office that a person serving as a Hanahan city councilman and as an unpaid, part-time voting registrar for Berkeley County would be violating the dual office holding provisions of the South Carolina Constitution.

Sincerely,

Carol P. Black  
Staff Attorney

Footnotes

<sup>1</sup> It should be noted that § 7-5-20 vests deputy members of boards of registration with the same powers and duties as regular members of the board.

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