

1981 WL 157898 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 5, 1981

\*1 Doyet A. Early, III, Esquire  
Attorney at Law  
Post Office Box 90  
Bamberg, South Carolina 29003

Dear Mr. Early:

You have asked for an opinion from this office as to whether or not an individual can serve on the Board of Trustees of the Bamberg County Memorial Hospital and as a Board Member of Bamberg County School District No. 1. County Hospital Boards are created by [§ 44-7-670, Code of Laws of South Carolina \(1976\)](#), and the powers of the boards, enumerated in [§ 44-7-720, Code of Laws of South Carolina \(1976\)](#), include, among other things, adoption of hospital rules and regulations, control of expenditure of monies, and construction of buildings. It is evident from this, therefore, that the position of board member of a county hospital is an office.

This office has repeatedly held that a school board trustee is an officer. Accordingly, as this office determined in published opinions dated February 19, 1975 and September 29, 1975 (copies enclosed herewith), a person may not simultaneously hold positions as county hospital board member and district school board member without violating the dual office holding provision of the State Constitution.

Additionally, you have inquired as to whether a hospital board member may also serve as a city councilman without violating the State's prohibition against dual office holding. Again, this office has consistently held that the position of city councilman is an office. (See the enclosed opinions dated June 6, 1979 and June 13, 1980.) Consequently, one could not hold both of these positions at the same time.

I trust this answers your questions. Please do not hesitate to contact me if you need further assistance.

Very truly yours,

James W. Johnson, Jr.  
Assistant Attorney General

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