

1979 WL 42767 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1979

***1 RE: Dual Office Holding—Opinion Request**

Kelly F. Zier, Esquire
City Attorney
City of North Augusta
P. O. Box 6516
North Augusta, South Carolina 29841

Dear Mr. Zier:

You have asked whether [Article XVII, Section 1\(a\), of the South Carolina Constitution](#), which prohibits dual office holding, is violated when the same individual holds the position of Recorder for the Town of Jackson and Assistant Recorder for the City of North Augusta.

This Office has previously expressed the opinion that the position of City Recorder is an office within the referenced constitutional provision. [Section 14-25-310, of the Code of Laws of South Carolina, 1976](#), creates the 'office of ministerial recorder.' Section 14-25-320 sets forth the powers of this office. 1975 Attorney General's Opinion 4012, page 84.

The position of Assistant Recorder is not provided for by State statute, but rather is created by an ordinance of the City of North Augusta. In any event, the duties required of the Assistant Solicitor on an as-needed basis are intermittent, and not continuing. Therefore, the position of Assistant Recorder would not constitute an officer within the meaning of the dual office holding provision. [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762](#).

It is the opinion of this Office that one may concurrently hold the positions of Recorder for the Town of Jackson and Assistant Recorder for the City of North Augusta without violating [Article XVII, Section 1\(a\), of the South Carolina Constitution](#).

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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