

1977 WL 37181 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1977

*1 Mr. Dick Elliot
P.O. Box 3165
North Myrtle Beach, SC 29582

Dear Mr. Elliot:

This letter is to confirm our telephone conversation of today. You have requested an opinion from this Office concerning whether or not offices you presently hold would constitute dual office holding with your newly elected position as a member of the Horry County Council. You have informed me that you are presently serving in the following offices:

1. Grandstrand Water and Sewer Authority—appointed by the Governor,
2. Chairman of the Economic Opportunity Commission—an elected office,
3. Chairman of the local school board-appointed position, and
4. Vocational School Board—appointed position (Public School).

In the case of [Sanders v. Belue, 78 S.C. 171 \(1907\)](#) the Court dealt with the question of what constituted dual office holding and stated

One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer.

It would appear that each of these positions constitute an office within the constitutional prohibition against dual office holding as they are all offices of honor or profit and exercise part of the sovereignty of the State. Therefore, one person could not simultaneously hold all of these offices.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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