

1977 S.C. Op. Atty. Gen. 102 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-119, 1977 WL 24461

Office of the Attorney General

State of South Carolina

Opinion No. 77-119

April 26, 1977

*1 Honorable Winnie Jones
Clerk of Court
Williamsburg County
P. O. Box 86
Kingstree, SC 29556

Dear Ms. Jones:

I apologize for the delay of this response to your request concerning dual office holding. Your question was whether a Clerk of Court could hold a position on the Waccamaw Regional Planning and Development Council without violating the Constitutional prohibition against dual office holding. Attorney General McLeod in a 1967 opinion (No. 2795) a copy of which is enclosed, found that members of regional planning boards pursuant to the provisions of Act No. 487 of 1967 were not officers within the meaning of that constitutional provision. In 1971, Act No. 363 amended Act No. 487. It is the opinion of this Office that the additional powers conferred by this amendment do not affect the validity of Opinion No. 2795. The powers vested in the Waccamaw Regional Planning and Development Council are still advisory and the number of members and the length of their terms is not provided by the act or its amendment. Therefore, a Clerk of Court may serve on the Waccamaw Regional Planning and Development Council without violating the dual office holding prohibition of the South Carolina Constitution.

If I can be of any other help in this matter, please let me know.

Sincerely yours,

Richard D. Bybee
Legal Assistant

1977 S.C. Op. Atty. Gen. 102 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-119, 1977 WL 24461

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.