

1976 S.C. Op. Atty. Gen. 99 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4286, 1976 WL 22906

Office of the Attorney General

State of South Carolina

Opinion No. 4286

March 5, 1976

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Attorney at Law  
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Columbia, South Carolina 29202

Dear Mr. Pride:

Thank you for your letter concerning the legal and statutory impediments of your running for State Senate while being Vice-Chairman of the State Housing Authority.

Article II, Section 2 of the South Carolina Constitution, provides that no person shall hold two offices at one time.

Section 3, Article 24, states as follows:

‘No person shall be eligible to a seat in the General Assembly while he holds any office or position of profit or trust within the State . . .’

The principle test of what constitutes an office as distinguished from employment is whether or not some portion of the sovereignty of the State is exercised. [Sanders v. Belue](#) 78 S.C. 171, 58 S.E. 762.

The South Carolina State Housing Authority, with powers vested pursuant to § 36–295, *et seq.*, Code of Laws of South Carolina, 1962, is authorized to perform functions normally performed by a governmental subdivision.

It is, therefore, the opinion of this Office that a member of the State Housing Authority is an officer within the meaning of Article II, Section 2 of the Constitution and that the same person may not at the same time be a Member of the General Assembly and a Member of the State Housing Authority.

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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