

1976 S.C. Op. Atty. Gen. 200 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4366, 1976 WL 22985

Office of the Attorney General

State of South Carolina

Opinion No. 4366

June 11, 1976

***1 A PERSON MAY SERVE SIMULTANEOUSLY AS A MEMBER OF THE STATE BOARD OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES AND AS A MEMBER OF A PUBLIC ADVISORY COMMITTEE OF THE UNITED STATES OFFICE OF EDUCATION WITHOUT VIOLATING THE CONSTITUTIONAL PROHIBITION AGAINST DUAL OFFICE HOLDING.**

TO: Dr. R. Archie Ellis
Commissioner
South Carolina Department of Social Services

QUESTION PRESENTED:

May a member of the State Board of the South Carolina Department of Social Services serve as a member of a Public Advisory Committee of the United States Office of Education without violating the Constitutional prohibition against dual office holding?

AUTHORITIES:

Article XVII, Section 1A, Constitution of the State of South Carolina, 1895, as amended.

[20 U.S.C.A., 1233A](#)

DISCUSSION:

Article XVII, Section 1A, of the South Carolina Constitution provides that no person shall hold two offices of honor or profit at the same time.

Although membership on the State Board of the South Carolina Department of Social Services is an office within the meaning of Article XVII, Section 1A, this Office has consistently expressed the opinion that a Federal position of office is not within the scope of the prohibition against dual office holding.

Appointments to a Public Advisory Committee of the United States Office of Education are made pursuant to [20 U.S.C.A., § 1233A](#), and, as such, membership on a Public Advisory Committee is not an office within the meaning of Article XVII, Section 1A.

CONCLUSION:

Therefore, the opinion of this Office is that a person may serve on the State Board of the South Carolina Department of Social Services and on a Public Advisory Committee of the United States Office of Education without violating the dual office holding prohibition of Article XVII, Section 1A.

Raymond G. Halford
Senior Assistant Attorney General

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