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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

April 5, 1995

Karolyn Payne Elliott, M.A., J.D., Executive Director
Disabilities Board of Charleston County
P. O. Box 31729
Charleston, South Carolina 29417-1729

Re: Informal Opinion

Dear Ms. Elliott:

Thank you for your recent letter concerning Ms. Ezell Middleton's intention to run for a seat on the Hollywood City Council. I understand from your letter that Ms. Middleton currently serves as a member of the Charleston County Disabilities Board.

Enclosed for your review are three previous advisory opinions that address questions analogous to your own. Based upon the opinions dated January 10, 1995 and March 20, 1995, it appears that a dual office holding issue would exist should a member of a county disabilities and special needs board be elected to a city council. Nevertheless, in accordance with the opinion dated July 23, 1993, a dual office holding problem would not occur unless and until Ms. Middleton is elected to Hollywood City Council and begins to exercise the powers and duties of that office. Moreover, there is no state law of which I am aware that would require Ms. Middleton to resign her board membership prior to being elected to city council.

This letter is an informal opinion only. It has been written by a designated Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

Ms. Elliott
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Again, thank you for your letter. I trust the foregoing is responsive to your inquiry. If I can be of assistance to you in the future, please do not hesitate to contact me.

Sincerely,



Zeb C. Williams, III
Deputy Attorney General

ZCW,III/an