

# The State of South Carolina



## Office of the Attorney General

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December 12, 1986

Elsie T. Kirby, Executive Director  
Charleston County Legislative Delegation  
Charleston County Office Building  
2 Courthouse Square, Room 317-A  
Charleston, South Carolina 29401

Dear Ms. Kirby:

In a letter to this Office you requested on behalf of the Charleston County Legislative Delegation an opinion as to whether an individual may serve concurrently as the Charleston County Veterans Affairs Officer and as a member of the Charleston County Board of Social Services

Article XVII, § 1A of the South Carolina Constitution provides that "... no person shall hold two offices of honor or profit at the same time." For this provision to be contravened, a person concurrently must hold two public offices which have duties involving an exercise of some portion of the sovereign power of the State. Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 (1907). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 (1980).

This Office has concluded on several occasions that a county veterans affairs officer, as created by Section 25-11-40 of the Code, would be an officer for dual office holding purposes. I am enclosing a representative opinion dated April 29, 1985 which also references other opinions of this Office.

Similarly, this Office has concluded in several prior opinions dated February 11, 1986, March 6, 1979, and January 16, 1979, copies of which are enclosed, that membership

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on a county board of social services would constitute an office for dual office holding purposes.

Therefore, in the opinion of this Office an individual who would serve concurrently as the Charleston County Veterans Affairs Officer and as a member of the Charleston County Board of Social Services would probably contravene the dual office holding prohibitions of the State Constitution.

If there is anything further, please advise.

Sincerely,

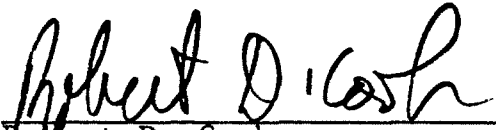


Charles H. Richardson  
Assistant Attorney General

CHR/an

Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook  
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