

1983 WL 182000 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 15, 1983

*1 Gary R. Baker
Executive Director
State Ethics Commission
SCN Center
Suite 930
1122 Lady Street
Columbia, South Carolina 29201

Dear Mr. Baker:

You have asked the opinion of this office on the question of whether it would be a violation of the dual office holding provisions of the South Carolina Constitution for a person to concurrently hold the position of Mayor of Sellers and as a Trustee of Marion #1 Schools.

[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 previously expressed in prior opinions that both positions of Mayor and school district trustees are offices within the meaning of [Article XVII, § 1A](#). See, 1977 [Op. Att’y. Gen.](#), dated December 16, 1977, 1982 [Op. Att’y. Gen.](#), dated March 16, 1982 and 1893 [Op. Att’y. Gen.](#), dated January 17, 1983.

Based upon the foregoing, it is the opinion of this office that a person serving as Mayor of Sellers and Trustee of Marion #1 Schools would be violating the dual office holding provisions of the South Carolina Constitution.

Sincerely,

Robert D. Cook
Executive Assistant for Opinions

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