

1983 WL 181980 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 29, 1983

\*1 The Honorable Irene K. Rudnick  
Member  
House of Representatives  
Box 544  
Aiken, South Carolina 29801

Dear Representative Rudnick:

You have requested 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 member of the Commission on Parks, Recreation and Tourism to also serve as an Aiken city councilman.

[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 determined that a member of the Commission on Parks, Recreation and Tourism holds an office within the meaning of the dual office holding provisions of the Constitution. [See](#), 1970 [Op. Atty. Gen.](#), dated August 21, 1970 (copy enclosed).

Similarly, this office has repeatedly expressed the opinion that a member of a city council holds an office within the meaning of the dual office holding provisions of the Constitution. [See](#), 1981 [Op. Atty. Gen.](#), dated September 20, 1981, and 1982 [Op. Atty. Gen.](#), dated June 18, 1982 (copies enclosed). This conclusion appears to be based upon the fact that the position of municipal councilman is an elective office which duties involve an exercise of the sovereign power of the state.

Based on the foregoing, it is the opinion of this office that a person serving as a member of the Commission on Parks, Recreation and Tourism and as an Aiken city councilman would be violating the dual office holding provisions of the South Carolina Constitution.

Sincerely,

Carol P. Black  
Staff Attorney

1983 WL 181980 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.