

1981 WL 157877 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 21, 1981

\*1 The Honorable W. A. McElveen, Jr.  
Mayor  
City of Sumter  
Post Office Box 1449  
Sumter, South Carolina 29150

Dear Mr. McElveen:

You have requested an opinion from this Office as to whether you as Mayor of the City of Sumter may serve on the Tuomey Hospital Board in accordance with the last will and testament of Timothy J. Tuomey. [Article VI, § 3 of the South Carolina Constitution](#) provides that ‘no person shall hold two offices of honor or profit at the same time . . .’ For [Article VI, § 3](#) to be contravened, a person must hold concurrently two ‘public offices with duties involving an exercise of some part of the sovereign power of the State.’ [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 \(1907\)](#). It is the opinion of this Office that serving on the Tuomey Hospital Board does not constitute holding public office under the [Sanders](#) definition, as serving on the board of a non-public entity does not involve any exercise of the sovereign.

Accordingly, it is the opinion of this Office that the Mayor of Sumter may serve on the Tuomey Hospital Board without violating the dual office holding provision of the South Carolina Constitution. I trust this answers your question. Please contact me if you need further assistance.

Very truly yours,

James W. Johnson, Jr.  
Assistant Attorney General

1981 WL 157877 (S.C.A.G.)

---

End of Document

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