

1981 WL 157902 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 5, 1981

*1 The Honorable John W. Matthews, Jr.
Member
South Carolina House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Matthews:

You have asked for an opinion from this office as to whether an Assistant Dean of Students at South Carolina State College would be eligible for an appointment to the Orangeburg County Board of Registration.

[Section 2 of Article 2 of the South Carolina Constitution](#) provides that no person shall hold two offices of honor or profit at the same time. The general criteria applied in determining whether merely employment is involved rather than an office is whether or not some portion of the sovereign is exercised in the position. [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907).

There is no question but that a member of a county board of registration holds an office. See the attached copies of opinions dated May 25, 1961 and July 17, 1963, where this office so held.

The Assistant Dean of Students at South Carolina, State College could not be considered an officer within the definition set forth by the South Carolina Supreme Court. [Sanders, supra](#). You will note that I have enclosed an opinion of this office dated November 26, 1975, stating that the position of President of South Carolina State College is not an office under the State Constitutional provision. It is only logical to deduce that if the President of the College does not, in carrying out the powers and duties designated by his position, exercise the sovereign power of the State, neither would the Assistant Dean of Students.

Accordingly, one may simultaneously hold positions of member of a county board of registration and Assistant Dean of Students at South Carolina State College without violating [Section 2, Article II of the State Constitution](#).

I trust this answers your question. If you need further assistance, please do not hesitate to contact me.

Very truly yours,

James W. Johnson, Jr.
Assistant Attorney General

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