

1982 WL 189281 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 4, 1982

\*1 Joseph H. Earle, Jr., Esquire  
Greenville County Attorney  
14-A Courthouse Annex  
Greenville, South Carolina 29601

Dear Mr. Earle:

You have requested the opinion of this Office on the question of whether a person concurrently serving as a member of the Board of Trustees of the Greenville County School District and as a member of the Greenville County Planning and Development Board would be in violation of the dual office holding provisions of the South Carolina Constitution.

It is provided in [Article XVII, § 1A of the South Carolina Constitution](#) 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 (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](#), 266 S.E.2d 61 (1980).

The Greenville County School District Board of Trustees was initially created in 1952 by Act No. 853. The duties prescribed for the trustees are the usual kinds of functions performed by other school district boards of trustees. This Office has previously concluded that the position of school district trustee constitutes an office subject to the constitutional restrictions on dual office holding. [See](#), 1968 Op. Atty. Gen'l. No. 2500; 1971 Op. Atty. Gen'l. No. 3135; 1971 Op. Atty. Gen'l. No. 3133; Op. Atty. Gen'l. dated February 3, 1978, to senator Setzler.

The Greenville County Planning and Development Board was created by Act No. 223 of 1959, and subsequently amended by Act No. 1051 of 1968 and Act No. 29 of 1969. An examination of the Act and Amendments thereto reveals that the Board serves merely as a promotional body and is given no authority to exercise any portion of the sovereign power of the State. The members of the Greenville County Planning and Development Board would, therefore, not hold offices under [Article XVII, § 1A of the South Carolina Constitution](#).

Based on the foregoing, it is the opinion of this Office that a person concurrently serving as a member of the Board of Trustees of the Greenville County School District and as a member of the Greenville County Planning and Development Board would not be in violation of the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler  
Staff Attorney

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