

1979 WL 42763 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 16, 1979

***1 RE: Opinion Request**

Honorable Nancy Stevenson
Lieutenant Governor
P. O. Box 11708
Columbia, South Carolina 29211

Dear Lieutenant Governor Stevenson:

You have asked whether the constitutional provision prohibiting dual office holding [Article XVII, Sec. 1(a)] is violated by virtue of the fact that your Executive Assistant is also a member of the Board of Directors of the Richland County Department of Social Services.

In [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907), the Supreme Court defined public officer as follows:

One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer.

[Sec. 43-3-10, et seq., of the Code of Laws of South Carolina](#), 1976, creates in each county a Board of Social Services and sets forth their duties and powers. Such position is clearly an office within the [Sanders](#) definition, and this office has consistently issued opinions to that effect. A copy of a previous opinion is enclosed for your information.

The position of Executive Assistant to the Lieutenant Governor is not created by statute and, therefore, cannot be 'charged by law with duties involving the exercise of some part of the sovereign power.'

Therefore, it is the opinion of this Office that [Section 1\(a\) of Article XVII of the South Carolina Constitution](#) does not prohibit your Executive Assistant from serving on the Board of Directors of the Richland County Department of Social Services.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

1979 WL 42763 (S.C.A.G.)

End of Document

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