

1982 WL 189445 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 27, 1982

*1 The Honorable Gordon Wells
Chairman
Jasper Soil and Water Conservation District
Post Office Drawer K
Ridgeland, South Carolina 29936

Dear Mr. Wells:

You have requested the opinion of this Office on the question of whether a person serving concurrently as a Deputy Conservation Officer and on the Jasper Soil and Water Conservation District Commission 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.W.2d 61 \(1980\)](#).

As I am sure you are aware, this Office has recently issued several opinion concluding that members of Soil and Water Conservation District Commissions hold office under the dual office holding provisions of the Constitution. See, e.g., Opinion of the Attorney General dated January 27, 1982 to F. Hall Yarborough (copy enclosed). Similarly, this Office has examined the position of Deputy Wildlife Conservation Officer and concluded that this is an office for constitutional purposes. See, Opinion of the Attorney General dated August 1, 1979 to Chief Ruonala. I assume that the position which you describe as Deputy Conservation Officer is the same as that discussed in this opinion. Please let me know if this is not the case.

Based on the foregoing, it is the opinion of this Office that a person could not serve concurrently as a Deputy Conservation Officer and as a member of the Jasper Soil and Water Conservation District Commission without violating the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

1982 WL 189445 (S.C.A.G.)

End of Document

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