

1980 WL 120786 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1980

*1 Honorable Don Rushing
Gressette Office Building
P. O. Box 142
Columbia, SC 29202

Dear Senator Rushing:

You have requested an opinion from this office as to whether a school district trustee who is also an elected member of the Lancaster County Board of Education is in violation of the dual office-holding provision of the South Carolina Constitution. Please see Act No. 848 of 1976, enclosed herewith. You will note that by virtue of becoming a member of a school district board of trustees in Lancaster County, the potential for that member's becoming a member of the County Board of Education is created. Actually, the duties of one trustee in each of the four Lancaster County Districts will include service on the Lancaster County Board of Education. Please note that the case of [Ashmore v. Greater Greenville Sewer District, 211 S.C. 77, 44 S.E.2d 88](#), held that the dual office-holding prohibition does not apply to officers who are appointed ex officio members.

You will also note that, while a more recent act, Act No. 350 of 1977, has dealt with the Lancaster County Board of Trustees and Board of Education, this amendment is not relevant insofar as a dual office-holding question is concerned. 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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