

1979 WL 42845 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 6, 1979

*1 Mr. William P. Wallace
Chairman
Marlboro County Council
Bennettsville, South Carolina 29512

Dear Mr. Wallace:

You have asked whether the simultaneous holding of position on a local school board and on the local Department of Social Services constitutes a violation of the constitutional provision prohibiting dual office holding.

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, and the performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer.

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

Similarly, this Office has repeatedly held that a member of a local school board is a public officer for dual office holding purposes. See, e.g., 1975 Attorney General Opinion No. 3974, page 47; 1975 Attorney General Opinion No. 4141, page 210.

Therefore, it is the opinion of this Office that the constitutional provision prohibiting dual office holding is violated when the same individual simultaneously serves on the local school board and on the local Department of Social Services Board.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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