

1980 WL 120828 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 18, 1980

*1 Mr. Charles Traynor Ferillo
Executive Director
Research and Personnel
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Ferillo:

You have requested an opinion from this office as to whether a member of the House of Representatives can hold the position of Assistant Solicitor without violating the South Carolina Constitutional provision for dual office holding. Article XVII, Section 1A and Article V, Section 3 provide that no person shall hold two offices of honor or profit at the same time, and this office has consistently held that membership in the House of Representatives and Assistant Solicitor are both offices under the meaning of the State Constitution. See Attorney General Opinion dated September 7, 1979 with respect to a member of the House of Representatives and Attorney General Opinion dated June 10, 1975 with regard to an Assistant Solicitor. (A copy of each of these Opinions is attached hereto.)

Accordingly, if a member of the House of Representatives were to simultaneously occupy a position as Assistant Solicitor, he would be in violation of the State's dual office holding provision.

I trust this answers your question. Please do not hesitate to contact me if you need further assistance.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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