1980 WL 131245 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
December 31, 1980

*1 Mr. Francis K. Sullivan
Executive Secretary
Office of Charleston County Legislative Delegation
Post Office Box 487
Charleston, South Carolina 29402

Dear Mr. Sullivan:

You have asked the opinion of this Office on whether a person concurrently may serve as a member of the Charleston County Planning Board and the James Island Parks and Playground Commission.

Article XVII, § 1A of the South Carolina Constitution states that "... no person shall hold two offices of honor and profit at the same time." Also see Article VI, § 3. 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).

This Office previously has concluded that membership on the Charleston County Planning Board is an office within the meaning of the constitutional provisions prohibiting dual office holding. Op. Atty. Gen'l 1976, No. 4336 [copy enclosed].

The James Island Park and Playground Commission is created and conferred with certain powers and duties by Act Number 1604 of the Acts and Joint Resolutions of 1972. A review of the method of appointment to the Commission, its powers and duties, and the source of its funding set forth in Act 1604 demonstrates that membership thereon constitutes an office within the meaning of Article XVII, § 1A.

Based on the foregoing, it is the opinion of this Office that a person may not serve concurrently as a member of the Charleston County Planning Board and the James Island Parks and Playground Commission in that this would contravene the constitutional provisions prohibiting dual office holding.
 Sincerely,

James M. Holly
Assistant Attorney General

Approved By:

Daniel R. McLeod
Attorney General

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