

1977 WL 37319 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1977

*1 Jack Q. Gerrald
Horry County Auditor
Box 773
Conway, SC 29526

Dear Mr. Gerrald:

Your request for an opinion on dual office holding has been referred to me for reply. You have inquired whether a magistrate, a city council member or a county council member could also be a member of the Waccamaw Regional Planning and Development Council without violating the constitutional prohibition against dual office holding. Attorney General McLeod in a 1967 opinion (No. 2795), a copy of which is enclosed, found that members of regional planning boards pursuant to the provisions of Act No. 487 of 1967 were not officers within the meaning of that constitutional provision. Act No. 487 was amended in 1971 by Act No. 363. It is the opinion of this Office that the additional powers conferred by this amendment do not affect the validity of Opinion No. 2795. The powers vested in the Waccamaw Regional Planning and Development Council are still advisory and the number of members and the lengths of their terms is not provided by the act or its amendments. Therefore, a magistrate, city councilman, and county councilman may serve on the Waccamaw Regional Planning and Development Council without violating the dual office holding prohibition of the South Carolina Constitution.

If I can be of any further help to you on this matter, please let me know.

Sincerely yours,

Richard D. Bybee
Legal Assistant

1977 WL 37319 (S.C.A.G.)

End of Document

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