

1977 WL 37336 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1977

*1 John E. Kirkland, III
P. O. Box 97
Ulmer, SC 29849

Dear Mr. Kirkland:

Your request for an opinion on dual office holding has been referred to me for reply. You have asked whether a person who occupies an office as a member of the Allendale County Board of Directors may also serve as a member of the Western Carolina Higher Education Commission without violating the dual office holding prohibition of the State Constitution.

Enclosed is an opinion written by Assistant Attorney General George Beighley which rules that membership on the Georgetown County Commission for Higher Education constitutes an office. An examination of the powers of that Commission and the powers of the Western Carolina Higher Education Commission enumerated in Code of Laws of South Carolina, Section 21-721 (1962) reveals that the powers are the same. Therefore, one person cannot hold both of these offices without violating the dual office holding prohibition of the State Constitution.

If I can be of any further service, please let me know.

Sincerely yours,

Richard D. Bybee
Staff Attorney

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