

1979 WL 42904 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1979

*1 Honorable James M. Waddell, Jr.
Senate Office No. 2
Gressette Building
Columbia, South Carolina 29201

Dear Senator Waddell:

You have asked whether the constitutional provision prohibiting dual office holding will be violated by simultaneously holding the offices of Senator and Commissioner on the Atlantic States Marine Fisheries Commission.

Pursuant to [Section 50-7-10 of the Code of Laws of South Carolina, 1976](#), this Commission has three members from this State. This section states that one of these Commissioners shall be a legislator and member of the Commission on Interstate Cooperation of this State ex officio.

Since you will be serving in an ex officio capacity, you will not be violating the dual office holding provision by serving on the Atlantic States Marine Fisheries Commission. See [Ashmore v. Greater Greenville Sewer District, 211 S.C. 77, 44 S.E.2d 88 \(1947\)](#).

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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