

1977 WL 36997 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 16, 1977

*1 Mr. John W. Dodge
County Superintendent
Hampton County Schools
Hampton, SC 29924

Dear Mr. Dodge:

You have requested an opinion as to whether a school trustee can hold the position of town councilman or mayor without violating the constitutional prohibition against dual office holding. This office has consistently ruled that the position of a town councilman (1963 Op.Att'y.Gen. 112), mayor and school trustee (1971 Op.Att'y.Gen. 87) are offices within the meaning of the constitutional prohibition. Therefore one individual cannot hold these offices without violating that provision of the constitution.

You have also inquired whether the prohibition is being applied within other counties of the State. I do not personally know whether this provision is being violated in other counties but the South Carolina Constitution does apply to each county in this State.

For further information about the definition of an office see [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907).

Sincerely yours,

Richard D. Bybee
Staff Attorney

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