

1977 S.C. Op. Atty. Gen. 330 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-402, 1977 WL 24738

Office of the Attorney General

State of South Carolina

Opinion No. 77-402

December 20, 1977

*1 Mr. Michael G. Herring
Town Administrator
Town of Ridgeland
Post Office Box 866
Ridgeland, SC 29936

Dear Mr. Herring:

Mr. Gary Baker forwarded your request for an opinion as to whether a person serving on the Jasper County Development Board and as a member of Ridgeland's Town Council would be guilty of dual office holding in contravention of Article I, Section 22 of South Carolina's Constitution.

Numerous opinions of this Office (for example, the October 14, 1976, opinion by George Beighley, Assistant Attorney General) have held that a Town Councilman does hold an 'office' within the meaning of Article I, Section 22 of the Constitution.

It has also been the past opinion of this Office that members of various County Development Boards hold 'office' within the meaning of the Constitutional provision. [Unpublished opinions of the Attorney General, October 22, 1963, and January 11, 1963]. There is also a 1959 opinion relating specifically to the status of a member of the Jasper County Development Board. The opinion concludes that such a position does constitute an 'office' in the constitutional sense.

Therefore, it is the opinion of this Office that the simultaneous holding of the two offices referred to is dual office holding and thus prohibited by the South Carolina Constitution.

Sincerely yours,

Richard D. Bybee
Staff Attorney

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