

1979 WL 43481 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1979

*1 Honorable Joyce C. Hearn
South Carolina House of Representatives
Blatt Office Building
Columbia, South Carolina 29201

Dear Representative Hearn:

You have asked whether the constitutional provision which prohibits dual office holding is violated if a person simultaneously serves on the State Board of the South Carolina Department of Social Services and on the South Carolina Educational Television commission.

[Section 1A, of Article XVII, of the Constitution of South Carolina](#), provides that no person shall hold two offices of honor or profit at the same time. In [Sanders vs. Belue](#), 78 S.C. 171, 58 S.E. 762, the Supreme Court defined a public officer as follows:

One who is charged by law with duties involving and exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer.

This Office has on several occasions issued its opinion that the State Board of the South Carolina Department of Social Services is an office for dual office holding purposes. See Opinion dated June 11, 1976, a copy of which is enclosed.

The South Carolina Educational Television Commission is created pursuant to [Section 59-7-10, et seq., Code of Laws of South Carolina](#), 1976. Among its powers and duties, the Commission 'may purchase, lease or otherwise acquire and operate such educational television, radio and related equipment and facilities as are required to develop, promote and extend educational programs to meet the needs of the State and its citizens' (Section 59-7-40). Also, the Commission may 'lease or sell the use of its facilities, equipment, programs, publications and other program related materials on such terms as the Commission deems advantageous, and funds received therefrom shall be used for Commission purposes' (Section 59-7-50).

In light of the above stated powers and since the terms of the Commission are set by statute, it is the opinion of this Office that the South Carolina Educational Television Commission is an office for dual office purposes. Accordingly, one who simultaneously serves on the State Board of the South Carolina Department of Social Services and on the South Carolina Educational Television Commission violates the constitutional provision which prohibits dual office holding.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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