

1979 WL 43574 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1979

*1 The Honorable Coleman G. Poag
Senator
Senatorial District No. 6
Post Office Box 10067
Rock Hill, South Carolina 29730

Dear Senator Poag:

You have asked the opinion of this Office on whether it would be a violation of the constitutional provision prohibiting dual office-holding for an individual employed as an assistant superintendent for a school district in York County to serve concurrently as a member of the South Carolina House of Representatives.

[Article XVII, § 1A of the South Carolina Constitution](#) provides that ‘. . . no person shall hold two offices of honor and profit at the same time.’ Also see Article VI, § 3. For this provision to be contravened, a person must hold concurrently two public offices which have duties involving an exercise of some part of the sovereign power of the State. See Sanders v. Belue, 78 S.C. 171 (1907). Of course, it is obvious that a member of the House of Representatives holds such an office. See Article III. Thus, it is only necessary to determine if the position of assistant superintendent noted in your correspondence is an office within the meaning of [Article XVII, § 1A](#).

A review of Title 59 of the Code of Laws of South Carolina, 1976, entitled ‘Education’ and the local acts on public education in York County does not reveal any statutory authority concerning the position of assistant superintendent for any of the school districts in that county. Thus, although it may be in and about public business, this position appears to be one of public employment. As such, it would not be subject to the dual office-holding prohibition. See Sanders v. Belue, above.

Based on the foregoing reasons, it is the opinion of this Office that the position of assistant superintendent for a school district in York County is not an office within the meaning of [Article XVII, § 1A](#). However, it may be that the School authorities in York County have formal policies regulating the political activities of its employees, and any such employee seeking an elective office should refer to the authorities regarding this.

Sincerely,

James M. Holly
State Attorney

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