

1978 WL 34622 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1978

***1 RE: Dual Office Holding**

The Honorable Nikki Giles Setzler
Senator
District No. 8
The State House
Columbia, SC 29211

Dear Senator Setzler:

You have this date requested an Opinion from Attorney General McLeod concerning whether or not a member of the Lexington County Rural Recreation Commission can also run for and/or serve on the School District Board of Trustees.

Previous Opinions from this Office (copies enclosed) have determined that both the position as member on a County Rural Recreation Commission and as member on a School District Board of Trustees, constitute offices subject to constitutional restrictions on dual office holding. Therefore, the same individual may not simultaneously serve as a member of both bodies.

However, a member of the Recreation Commission could run for or otherwise seek appointment to the School District Board of Trustees, without violating dual office holding statutes. Should the individual be elected to the second office, he would have to abandon the first office before serving in the second office, to accommodate dual office requirements. Should the individual holding the first office subsequently assume the second office, the assumption of the second office would act as an immediate vacation of the first office.

I hope this information will be helpful to you, and if I can be of any additional assistance please feel free to call on me.
Sincerely,

George C. Beighley
Assistant Attorney General

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