

1978 WL 34810 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1978

\*1 Hazel Baker King, M.D.  
Health Officer  
Florence County Health Department  
1705 W. Evans Street  
Florence, South Carolina 29501

Dear Dr. King:

In your letter of March 17, 1978, you have inquired as to whether Dallas I. Pigate must terminate his membership on the Florence County Board of Health immediately. On December 16, 1977, this office issued an opinion to Mr. Forney which found that a position of a magistrate and the position of a member of the Florence Board of Health were offices within the meaning of the Dual Office Holding prohibition of the South Carolina Constitution. In the case of an individual holding two offices, in violation of the Dual Office Holding provision of the Constitution, the first office is automatically vacated upon the individual qualifying taking over the duties of the second office.

Therefore, when Mr. Pigate assumed the responsibilities of the Florence County Magistrate, he automatically vacated his position on the Board of Health.

I hope this information has been helpful.

Sincerely yours,

Richard D. Bybee  
State Attorney

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