

1978 WL 34873 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 24, 1978

*1 Senator William T. Howell
120 Walter Street
Walterboro, South Carolina 29488

Dear Senator Howell:

Mr. McLeod has referred your opinion request of April 19, 1978, to me for reply. You have inquired as to whether the Mayor of Walterboro and other County and City officials are in violation of the constitutional prohibition against dual office holding when they serve on the Walterboro-Colleton County Airport Commission. The act which created that Commission, 48 Acts and Joint Resolutions 1548 (1948) provided that the Mayor of Walterboro, the Chairman of the Finance Committee of the Town Council of Walterboro, and the Supervisor, the Auditor, and the Treasurer of Colleton County would constitute the membership of the commission and that such members were to be ex-officio members of that commission.

The case of [Ashmore v. Greater Greenville Sewer District](#), 211 S.C. 77, 44 S.E.2d 88, held that the dual office holding prohibition does not apply to officers who are appointed ex officio members of a governmental unit. Therefore, these office holders are not in violation of that constitutional provision. If I can be of any further assistance, please let me know.

Sincerely yours,

Richard D. Bybee
State Attorney

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