

1978 WL 35094 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 5, 1978

*1 The Honorable Arnold S. Goodstein
Senator
District No. 14
P. O. Box 7507, C & S Center
North Charleston, SC 29406

Dear Senator Goodstein:

Recently you requested an opinion of this Office concerning whether or not the director of Cooper River Parks and Playground Commission could serve on the Charleston County School Board in harmony with constitutional restrictions on dual officeholding.

Article VI, Section 3 and [Article XVII, Section 1A of the South Carolina Constitution](#) provides that no person shall hold two offices of honor or profit at the same time. An office has been defined by the South Carolina Supreme Court in [Sanders, et al. v. Belue, et al.](#), 78 S.C. 171, 58 S.E. 762, as follows:

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

It has long been the opinion of this Office that the position of school board trustee is an office under the Sanders definition. See 1972 Op. Atty. Gen., 77, and 1976 Op. Atty. Gen., 114.

Assuming that the director is not a member of the Cooper River Parks and Playground Commission, and that he is merely employed by the Commission to perform its ministerial functions, then it is the opinion of this Office that such director is not an officer under the Sanders definition. Therefore, as an employee of the Cooper River Parks and Playground Commission the director would not run afoul of the dual officeholding provisions if he were to also serve as a trustee on the Charleston County School Board.

Sincerely,

George C. Beighley
Assistant Attorney General

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