

1975 WL 28980 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 2, 1975

*1 The positions of county veterans service officer and member of county commission on alcohol and drug abuse are both state offices and cannot be held by the same person at the same time.

Joseph H. Earle, Jr.
Greenville County Attorney

QUESTION PRESENTED:

Does dual office-holding result if the Greenville County Veterans Service Officer also serve as a member of the Greenville County Commission on Alcohol and Drug Abuse?

STATUTES, CASES INVOLVED:

Code of Laws of South Carolina, 1962, as amended, Section 32-1885.12 and Section 44-604; South Carolina Constitution, Article XVII, Section 1 A; [Sanders, et al. v. Belve, et al.](#), 78 S.C. 171, 58 S.E. 762; [Edge v. Town of Cayce](#), 187 S.C. 172, 197 S.E. 216.

DISCUSSION OF ISSUES:

Article XVII, Section 1 A of the South Carolina Constitution provides that no person shall hold two offices of honor or profit at the same time. S. C. Code § 32-1885.12 designates the Greenville County Commission on Alcohol and Drug Abuse as an official governmental agency and therefore able to exercise in some degree the sovereign authority of the state. Accordingly, membership thereon would constitute holding a public office.

S. C. Code § 44-604 indicates that a county veterans affairs officer is also a person holding public office. Both positions are public offices within the criteria set out in the [Sanders](#) and [Edge](#) cases, *supra*. Those criteria are 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 the public is concerned and which are continuing and not occasional or intermittent is a public officer.

CONCLUSION:

Since both positions in question constitute public offices, they could not both be held constitutionally by the same individual at the same time. A 1964 Attorney General's Opinion to this effect on a similar issue, attached for reference.

George C. Beighley
Staff Attorney

1975 WL 28980 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.