

1975 WL 29054 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 7, 1975

*1 The Honorable Herbert Horton
Member
City Council
Williston, SC 29853

Dear Mr. Horton:

You requested an opinion as to whether or not you are prohibited from serving as a member of the Williston City Council and the Committee on Narcotics and Controlled Substances. As a member of the City Council of Williston, you are an officer within the meaning of the dual office holding prohibition of the State Constitution, Article 17, Section 1A. However, your membership on the Narcotics and Controlled Substances Committee is not an office within this prohibition.

In order to constitute an office within the meaning of the Constitution prohibition, the position must be one which involves the exercise of the sovereign authority of the State. [Sanders vs. Belue, 78 SC 171](#). The only authority which the Committee may exercise is to 'report its findings and such recommendations as it may consider necessary annually as soon as practicable after the convening of the General Assembly.' 57 STAT. 859, Section 2 (1971). The authority to make recommendations is not that authority contemplated by the dual office holding prohibition of the Constitution. Therefore you may serve as a member of the Committee simultaneously.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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