

1975 S.C. Op. Atty. Gen. 191 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4115, 1975 WL 22411

Office of the Attorney General

State of South Carolina

Opinion No. 4115

September 12, 1975

\*1 Chaplain Alton C. Clark

Route 1, Box 47

Little Mountain, SC 29075

Dear Chaplain Clark:

You have requested an opinion from this Office as to whether or not you can simultaneously hold the position of Chaplain of the House of Representatives and Chaplain at the South Carolina Opportunity School.

Article XVII, Section 1A of the Constitution of South Carolina (1895) (as amended) provides that ‘. . . no person shall hold two offices of honor or profit at the same time . . .’ In [Sanders v. Belue](#), 78 S.C. 171 at 174, 58 S.E. 762 (1907), the South Carolina Supreme Court defined ‘public officer’ as ‘one who is charged by law with duties involving an exercise of some part of the sovereign power, whether small or great, in the performance of which the public is concerned, and which are continuing and are not occasional or intermittent.’ I have talked to Dr. Willis, Director of the South Carolina Opportunity School, and he has informed me that your position at the Opportunity School is employment. You have informed me that you are elected by the members of the House to the position of Chaplain. This may or may not actually be an office; however, it is not an office as contemplated by the constitutional prohibition.

Therefore, it is the opinion of this Office that you may hold the position of Chaplain of the House of Representatives and Chaplain of the South Carolina Opportunity School without violating the constitutional dual office prohibition.

Very truly yours,

Treva G. Ashworth

Assistant Attorney General

1975 S.C. Op. Atty. Gen. 191 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4115, 1975 WL 22411

---

End of Document

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