

1974 WL 27767 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1974

***1 Re: Dual Officeholding**

Honorable L. Marion Gressette
President Pro Tempore
The Senate, State of South Carolina
The State Capitol
Columbia, South Carolina

Dear Senator Gressette:

You have inquired as to whether a calories maintenance specialist with the Department of Education can be appointed to the Commissioners of Election For Calhoun County without violating the provisions against dual officeholding contained in the South Carolina Constitution. This Office has consistently taken the position that where one of two positions held by an individual is that of an employee, not involving any exercise of the State's sovereign powers, the individual is not covered by the dual officeholding provisions of the South Carolina Constitution. See 1959 OP. ATT'Y GEN., Nos. 48, 54, 50. In this regard, since the individual in question apparently holds the position of an employee, and not an officeholder, his appointment to the Commissioners of Election for Calhoun County would not be violative of the dual officeholding provisions of the South Carolina Constitution.

I hope that the foregoing sufficiently answers the questions which you posed in your letter of May 2, and if this Office can be of any additional service to you in this regard, please do not hesitate to call upon us.

Very truly yours,

Ellison D. Smith, IV
Assistant Attorney General

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