

1974 WL 27923 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 19, 1974

*1 Mr. Alvin Riddle
Trustee
Saluda School District
Route 4
Leesville, S. C.

Dear Mr. Riddle:

In answer to the request for an opinion from this office made on your visit here today, I am of the opinion that it would be dual office holding for a person to be on both the Saluda County Nursing Home Board (1966 Act No. 1391) and the Saluda School District No. 1 Board (Section 21-3952, Code of Laws of South Carolina as amended). The acceptance of a second public office has the effect of vacating the first office, [McLure v. McElroy](#), 211 S.C. 106, 44 S.E.2d 101 (1947). According to an earlier opinion of Attorney General McLeod dated March 19, 1973, this first office is vacant in the sense it can be filled by another person; however, the person holding dual office continues as a de facto officer in the first position until someone else succeeds to the vacant office. See [Bradford v. Byrnes](#), 221 S.C. 255, 70 S.E.2d 228 (1952) and [State ex rel McLeod v. West](#), 249 S.C. 243, 153 S.E.2d 892 (1967).

Contact me if I can be of any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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