

1973 WL 26783 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1973

***1 Re: Dual Office Holding**

James L. Felder
Attorney at Law
1900 Taylor Street
Columbia, S. C. 29201

Dear Mr. Felder:

You have requested that this office advise you as to whether an individual holding a position on the Richland County Rural Recreation Commission, and Assistant Solicitor for Richland County would be in violation of the prohibitions pertaining to dual office holders as set forth in Article 2, Section 2 of the South Carolina Constitution. The Assistant Solicitor for Richland County is set forth in the provisions of Section 1-259, Code of Laws of South Carolina 1962, and is given specified duties and responsibilities under the terms of the said statute. The Rural Recreation Commission is set forth in Section 51-359.3 Code of Laws of South Carolina 1962, which Section also sets forth specific duties and powers. It has been held in this State that a public officer is 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. [Sanders v. Belue 78 S.C. 171, 58 S.E. 762.](#)

Based upon the foregoing reasoning and authorities, it is the opinion of this office that an individual could not hold a position as a Member of the Richland County Rural Recreation Commission and Assistant Solicitor for Richland County without being in violation of the constitutional provision regarding dual office holding.

I trust that this has been sufficient in answer to the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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