

1973 WL 26973 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 16, 1973

*1 Honorable C. P. Brewer
Mayor of Loris
Loris, South Carolina 29569

Dear Mayor Brewer:

You have requested an opinion as to whether the prohibition against dual officeholding specified in Article 17, Section 1A of the Constitution of South Carolina is violated by an individual who is both a member of the Loris City Council and a member of the board of trustees of two local high schools. Enclosed are copies of two opinions issued by this office stating that such membership does constitute dual officeholding.

You have additionally inquired as to whether the individual described above may lawfully file for re-election to the Loris City Council. He may file for re-election; if he is re-elected to the Council and otherwise qualifies while he continues to serve as school trustee, however, he must then vacate the first office to which he was elected or appointed. See: [State v. Buttz](#), 9 S.C. 156 (1877); [Walker v. Harris](#), 170 S.C. 242, 170 S.E. 270 (1933). Since his term of office as a city councilman will have begun subsequent to the beginning of his term of office as a school trustee, he will be required to give up his membership on the two boards of school trustees.

Very truly yours,

Karen L. Henderson
Assistant Attorney General

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