

8272 Letter



HENRY McMASTER
ATTORNEY GENERAL

October 13, 2006

The Honorable Olin R. Phillips
Member, House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Phillips:

We understand you seek an opinion of this Office on behalf of the Joint Committee to Screen Candidates for Boards of Trustees of State Colleges and Universities concerning dual office holding. Specifically, you ask:

If an individual serves on the Limestone College Board of Trustees and is elected by the General Assembly to the South Carolina State University Board of Trustees, would that be a violation of the dual office holding clause of the constitution?

In our review of this issue, we discovered an opinion of this Office issued in March 2005 addressing your question, a copy of which we enclosed. Op. S.C. Atty. Gen., March 24, 2005. In that opinion, we discussed whether an individual serving on the Limestone College Board of Trustees who was elected by the General Assembly to the South Carolina State University Board of Trustees would be in violation of the dual office holding prohibition contained in article XVII, section 1A of the South Carolina Constitution. Id. Although this Office consistently has held a position on the South Carolina State University Board of Trustees is an office, we determined a position on the Limestone College Board of Trustees is not an office. Id. Thus, we concluded an individual holding both positions is not in violation of the dual office holding prohibition. Id. As we stated on numerous occasions, this Office "will not overrule our prior opinions unless clearly erroneous or unless applicable law has changed." Op. S.C. Atty. Gen., September 8, 2005. Finding

Request Letter

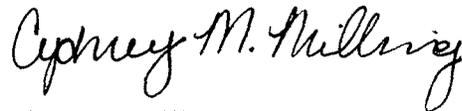
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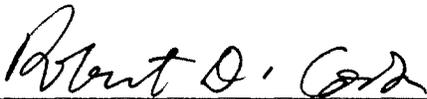
no changes in the law and regarding our 2005 opinion as not erroneous, we believe an individual's simultaneous service in these positions would not violate the dual office holding prohibition.

Very truly yours,



Cydney M. Milling
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General