



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
 ATTORNEY GENERAL

May 6, 2002

Reverend Evon Robinson
 Chairman, Colleton County School Board
 1008 Bodison Memorial Drive
 Round O, South Carolina 29474

Re: Informal Opinion

Dear Reverend Robinson:

You note that you are considering running for County Council of Colleton County. You are presently Chairman of the Colleton County School Board. You have asked whether it is necessary for you to resign from the Colleton County School Board to run for County Council.

I am aware of no requirement that you resign from the School Board in order simply to run for County Council. Neither the law governing school trustees generally, nor the specific statutes relating to the Colleton County School Board appears absolutely to prohibit a School Board member from running for another office. See, e.g. Acts and Joint Resolutions, 1961, p. 122; 1966, p. 2133; 1984, p. 587; 1987, p. 262; 1991, p. 1588. I suggest, however, that you consult with the School Board's attorney to insure that there is not a local law, of which I am unaware, which might address this question.

Of course, simultaneously to hold the positions of a member of the School Board and member of County Council would constitute dual office holding. See, Op. Atty. Gen., December 11, 1990 (members of school board of trustees and county council are offices for dual office holding purposes.) Therefore, while there is no prohibition upon your running for county council, if you are elected and sworn in to that office, and assume the duties thereof, you would vacate the School Board position as a matter of law. See, Op. Atty. Gen., Op. No. 85-121 (October 21, 1985). Typically, a person who is elected to another office as a member of a school board, resigns the school board position prior to taking the oath of office for the second position (in this instance membership on county council).

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This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,



Robert D. Cook
Assistant Deputy Attorney General

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