

1983 WL 182083 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 29, 1983

\*1 The Honorable T. Ed Garrison  
Senator  
District No. 1  
Route 2  
Anderson, South Carolina 29621

Dear Senator Garrison:

You have requested the opinion of this office on the question of whether it would be a violation of the dual office holding provisions of the South Carolina Constitution for a person to serve as a trustee of Anderson County School District Three and also serve on the Anderson County Fire Commission.

[Article XVII, § 1A of the South Carolina Constitution](#) provides that ‘. . . no person shall hold two offices of honor or profit at the same time.’ For this provision to be contravened, a person concurrently must hold two public offices which have duties involving an exercise of some portion of the sovereign power of the State. [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 \(1907\)](#). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. [State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 \(1980\)](#).

In a prior opinion directly on point, this office has previously determined that these two positions constitute offices for dual office holding purposes. [See, 1979 op. Atty. Gen., dated June 19, 1979. \(Copy enclosed\)](#).

Based on the foregoing, it is the opinion of this office that a person serving as a trustee of Anderson County School District Three and as a member of the Anderson County Fire Commission would be violating the dual office holding provisions of the South Carolina Constitution.

Sincerely,

Carol P. Black  
Staff Attorney

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