

1982 WL 189337 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1982

*1 James B. Ellison
Executive Director
State Election Commission
2221 Devine Street
Suite 105
Columbia, South Carolina 29205

Dear Mr. Ellison:

You have requested that opinion of this office on the question of whether it would constitute dual office holding for the clerk of the County Board of Voter Registration in Abbeville County to also serve as a School Board trustee.

This office has frequently expressed the opinion that a position on the Board of Trustees for a School District is an officer under the South Carolina Constitution. See, 1976 Op. Att'y. Gen. 332, and 1976 Op. Att'y. Gen. 114. This conclusion is based on the fact that the office and its duties are statutorily prescribed and involve the exercise of a portion of the sovereignty of the State.

As for the clerks of the County Boards of Voter Registration, these positions may or may not be offices depending upon whether the clerk is deputized. Under [§ 7-5-20 of the Code of Laws of South Carolina](#), 1976, the clerks may be made deputy members of the Board for the purpose of 'taking applications and issuing certificates.' In our opinion this function involves an exercise of the sovereign power of the State, such that a clerk so deputized would hold an office under the dual office holding provisions of the South Carolina Constitution.

I have been informed that the Clerk of the County Board of Voter Registration in Abbeville County is deputized, and thus it is the opinion that she could not also serve as a School Board Trustee without violating the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler
State Attorney

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