

1977 S.C. Op. Atty. Gen. 325 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-397, 1977 WL 24733

Office of the Attorney General

State of South Carolina

Opinion No. 77-397

December 16, 1977

*1 Mr. Neal Forney
Assistant Director
South Carolina Court administration
Post Office Box 11788
Columbia, SC 29211

Dear Mr. Forney:

You have requested an opinion as to whether a magistrate may also serve on the Florence County Board of Health without violating Article VI, Section 3 of the Constitution relating to dual office holding. This Office has consistently held that a magistrate's position constitutes an office within the meaning of the dual office holding prohibition. The enclosed opinion stands for the proposition that a position on a county board of health also constitutes an office. Furthermore, an examination of the duties conferred upon it by its enabling legislation (Act No. 415 of 1931) indicates that it exercises some portion of the sovereign power of the state and therefore a position on the board would be an office. [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 \(1907\)](#). Therefore it would be violating that clause of the constitution for one man to hold both of these positions.

Sincerely yours,

Richard D. Bybee
Staff Attorney

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