

1979 WL 43095 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 2, 1979

*1 Honorable Richard W. Riley
Governor of the State of South Carolina
P. O. Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

You have asked whether a position on the Educator Improvement Task Force is an office for dual office holding purposes.

In [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762, the Supreme Court defined a public officer as follows:

One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer.

The Educator Improvement Task Force was created by Section 5, Act No. 187 of 1979, which provides that the Task Force is a separate agency of State government. While many of the powers and duties of the Task Force are supervisory and advisory in nature, Section 5(c)(4) provides in pertinent part:

If the Board (of Education) then disapproves the original or revised plan (to implement Act No. 187 of 1979), the Chairman of the Task Force and the Chairman of the Board shall within thirty days call a joint meeting and a majority vote of the Board and Task Force shall determine the plan to be implemented.

The function described above would clearly involve some exercise of the sovereign power. Accordingly, it is the opinion of this Office that an individual serving on the Educator Improvement Task Force would be a public officer pursuant to the definition in [Sanders, supra](#).

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

1979 WL 43095 (S.C.A.G.)