

1978 WL 34959 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1978

***1 RE: Mrs. Hester C. Broughton/Dual Office Holding**

C. W. F. Spencer, Esquire
City Attorney
P. O. Box 790 CSS
Rock Hill, SC 29730

Dear Mr. Spencer:

Your recent letter to Attorney General McLeod concerning dual office holding has been referred to me for reply. You have been asked by a member of the Rock Hill Planning Commission to determine if said member may also serve on the Catawba Center for Growth and Development in harmony with constitutional restrictions on dual office holding.

Your initial analysis reveals the opinion that it would constitute dual office holding for the same person to hold the above cited offices simultaneously. I concur completely in this analysis, based on the statutory creation of each position and the powers granted thereby. [Code Section 5-23-410](#) through [5-23-740](#) place extensive powers on the Planning Commission for controlling use of land within the municipality. Such a function clearly is an exercise of the State's police power and the members exercising this authority are office holders in the constitutional sense.

[Code Section 44-15-60](#) is the basis for creating the Catawba Center for Growth and Development, and it is my opinion that the powers enumerated thereunder are also sufficient to constitute an office in the constitutional sense.

I therefore concur with your analysis that the same individual may not simultaneously hold both offices without violating constitutional restrictions on dual office holding. I hope this information will be helpful to you and with kind regards,
I am

Sincerely,

George C. Beighley
Assistant Attorney General

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