

1978 WL 35035 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 10, 1978

*1 Honorable Arnold Goodstein
Chairman
Joint Legislative Delegation
P. O. Box 487
Charleston, South Carolina 29402

Dear Senator Goodstein:

Recently you requested an opinion concerning whether or not a Commissioner of the North Charleston Public Service District could serve on the Board of Voter Registration in any capacity, in harmony with constitutional restrictions on dual officeholding. In particular, you have proposed appointing the Public Service District Commissioner as an executive director of the Board of Voter Registration, instead of appointing him as a chairman of the Voter Board. In essence, you are attempting to make him an employee and not an officer, to avoid running afoul of dual officeholding restrictions.

You advised in your letter that the members of the Board of Voter Registration are part-time paid employees who function under a chairman who is a full-time paid employee whose duties involve supervision of the registrars and the operation of the Board. Under the present circumstances, the Chairman of the Board is a Board member and exercises the powers of office, making him subject to constitutional restrictions, on dual officeholding.

Until, and unless, the statute is amended allowing the Board of Voter Registration to hire an executive director to perform the ministerial functions of the Board of Voter Registration, the position as Chairman of this Board remains a public office. If the statute were amended to allow for the hiring of an executive director, then another public officeholder could be hired as an employee in this position.

I hope this information will be helpful to you and if I can be of any additional assistance, please let me know.

Yours very truly,

George C. Beighley
Assistant Attorney General

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