

1975 WL 29580 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 11, 1975

***1 Re: Dual Officeholding**

Mr. Frank T. Caruccio
Chairman
South Carolina Mining Council
Post Office Box 11708
Columbia, South Carolina 29211

Dear Mr. Caruccio:

Thank you for your letter of January 10, 1975, requesting opinions of this Office regarding three questions posed therein. As you suggested, Mr. Murray Wood and I have discussed those questions at some length and he informs me that an opinion is now needed as to number two alone—whether a state legislator may serve as an appointed representative of the non-governmental conservation interest on the South Carolina Mining Council. It is my opinion that he may not so serve.

Article 17, § 1A of the South Carolina Constitution prohibits the holding of ‘two offices of honor or profit at the same time.’ This Office on numerous occasions has considered the question of dual officeholding presented by that constitutional provision. On the basis of those opinions and the guidance offered in [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762, it is certain in my opinion that both positions here involved are public offices within the purview of the constitutional prohibition against dual officeholding.

Therefore, it is my opinion that membership on the South Carolina Mining Council is an office of honor an profit, as is that of state legislator; consequently, the service by a person in both capacities at the same time constitutes dual officeholding. That individual, therefore, cannot continue to serve on the South Carolina Mining Council.

Very truly yours,

Richard P. Wilson
Staff Attorney

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