

1975 S.C. Op. Atty. Gen. 168 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4090, 1975 WL 22386

Office of the Attorney General

State of South Carolina

Opinion No. 4090

August 21, 1975

*1 It is not a violation of dual office-holding provisions for a person to serve as Marion County Liaison Officer and be a member of the Marion County Board of Social Services.

To: William H. Seals, Esquire
Marion County Attorney

QUESTION PRESENTED:

Is it a violation of the dual office-holding provisions of the South Carolina Constitution to serve as County Liaison Officer and member of the County Board of Social Services at the same time?

CASES, STATUTES:

Code of Laws of South Carolina, 1962, as amended, Sections 71–31.5 and 71–36.

S.C. Const. art. 17, § 1–A

[Sanders, et al. v. Belue, et al.](#), 78 S.C. 171, 58 S.E. 762.

[Edge v. Town of Cayce](#), 187 S.C. 172, 197 S.E. 216.

[Ashmore v. Greater Greenville Sewer District](#), 211 S.C. 77, 44 S.E. 2d 88.

DISCUSSION OF ISSUE:

Art. 17, § 1–A, of the South Carolina Constitution provides that no person shall hold two offices of honor or profit at the same time.

The position of Marion County Liaison Officer was created with funds administered by the Governor's Office and obtained from the Federal Government. Such funds were appropriated pursuant to Title VI of the Comprehensive Employment and Training Act of 1973 (29 U.S.C.S. § 801, *et seq.*) The duties of such an officer involve the handling of complaints from any agency or employee of the county or any other problem which cannot be resolved through normal agency procedures. The position carries no independent authority, nor is it given any power pursuant to statute. Since there is no exercise of sovereign power of the State on a continuing basis, this position is merely employment and not an office. (See [Sanders](#), *supra*.)

The Marion County Board of Social Services was created pursuant to Section 71–31.5, Code of Laws of South Carolina (1962) as amended. Section 71–36 defines the powers of the various county boards and clearly indicated that its members are officers within the meaning of the [Sanders](#), [Edge](#) and [Ashmore](#) cases, *supra*. This conclusion is supported by the

proposition that the Board exercises sovereign authority when promulgating decisions which protect the health and welfare of those citizens within the county.

Since in the opinion of this Office both positions are not public offices, the Constitutional mandate of art. 17, § 1-A, would be inviolate if both offices are held by the same person simultaneously.

CONCLUSION:

In the opinion of this Office, an individual is not precluded from serving as Marion County Liaison Officer and as a member of the Marion County Board of Social Services simultaneously due to the dual office-holding provisions of the South Carolina Constitution.

Raymond G. Halford
Assistant Attorney General

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