

1974 WL 27752 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
May 14, 1974

*1 Frank E. Cain, Jr., Esq.
P. O. Box 592
Bennettsville, South Carolina 20512

Dear Mr. Cain:

Thank you for your letter of April 29, 1974, in which you asked whether or not a person could serve as School Board Attorney, City Attorney and as a member of the County Board of Elections.

The Constitution of South Carolina prohibits holding two positions 'of honor or profit at the same time.' Being a member of the County Board of Elections would be an office; however, there would be a question as to whether or not a School Board attorney or City Attorney would be an office within the meaning of the constitutional prohibition. A determination of this question would depend upon how the office is created; i.e., by statute, ordinance, or by the governing body. Generally, if the office is created by statute or ordinance it would be considered to be an office within the meaning of the constitutional prohibition.

Sincerely,

Treva Ashworth
Assistant Attorney General

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