

1974 S.C. Op. Atty. Gen. 253 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3843, 1974 WL 21346

Office of the Attorney General

State of South Carolina

Opinion No. 3843

August 15, 1974

***1 Re: Dual Office Holding**

Mr. Samuel Lee Zimmerman
Member
South Carolina Commission
for the Blind
P. O. Box 11638
Columbia, S. C. 29211

Dear Sir:

This office has been asked for an opinion regarding whether a person may legally be a member both of the Greenville County Historic Preservation Commission and of the South Carolina Commission for the Blind.

The Greenville County Historic Preservation Commission exists pursuant to Act No. 833, 1970 State Acts and Joint Resolutions. The South Carolina Commission for the Blind exists pursuant to Sections 71–291 to 300, S. C. Code of Laws, as amended. Under these laws it is clear that a member of the governing board of either of these governmental agencies is granted by law the authority to exercise a part of the State's sovereign power. Accordingly, both such memberships constitute offices of 'honor or profit' in the constitutional sense. See [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762. Consequently, no one person may lawfully belong to both the Greenville County Historic Preservation Commission and the South Carolina Commission for the Blind since Article XVII, Section 1A of the State Constitution provides that 'no person shall hold two offices of honor or profit at the same time.'

Additionally, it has been asked whether a person may be both a member of the South Carolina Commission for the Blind and an employee of the Greenville County School System. I advise that an employee of a county school system does not exercise that discretionary power which is denoted the 'sovereignty' of the State, and hence does not fall within the dual office holding prohibition.

Additionally, it has been asked whether Section 98 of the 1974 State Appropriations Act, R-1314, 1974 State Acts and Joint Resolutions, prohibits a Greenville County School System employee who is a member of the South Carolina Commission for the Blind from drawing per diem when serving on the Commission. Section 98 provides:
No full-time officer or employee of the State shall draw any per diem allowance for service on [State] boards, commissions or committees.

I advise that a county employee does not fall within the language of this section and hence may draw per diem for service on a State commission.

If there are further questions, please correspond.

Very truly yours,

John B. Grimball

Assistant Attorney General

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