

1974 S.C. Op. Atty. Gen. 352 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3912, 1974 WL 21408

Office of the Attorney General

State of South Carolina

Opinion No. 3912

December 17, 1974

\*1 Mr. Robert M. Floyd  
Commissioner  
Fifteenth Highway District  
P. O. Box 208  
Aynor, South Carolina 29202

Dear Mr. Floyd:

You have requested an opinion from this office as to the legality of your accepting a position on the staff of Congressman-elect John Jenrette while retaining your position with the State Highway Commission.

This office has consistently taken the position that the prohibition against dual office holding contained in Article 17, Section 1A of the South Carolina Constitution of 1895, as amended, does not apply to positions of employment. See, e.g., 1963-64 OP.ATTY.GEN., No. 1769 at 284. The position on the staff of Congressman-elect Jenrette being a position of employment rather than one of honor or profit, therefore, the provisions of Article 17, Section 1A would not be violated by your accepting such a position while, at the same time, retaining your office as State Highway Commissioner for the Fifteenth Highway District.

Our opinion is, therefore, that you may lawfully hold employment on the staff of Congressman-elect Jenrette and continue to retain your position with the State Highway Commission.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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