



ALAN WILSON
ATTORNEY GENERAL

July 16, 2024

Mr. Fred W. Castles, III PE
Executive Director
P.O. Box 550
Chester, South Carolina 29706

~~Mr. Mr. Castles~~

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter states the following:

I wish to request an opinion from your office regarding dual-office holding. I am employed as the Executive Director of the South Carolina State Board of Education.

[REDACTED]

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(September 6, 1996) (sovereignty traditionally includes the power to tax, power of eminent domain, and police power). In *State v. Crenshaw*, 274 S.C. 475, 478, 266 S.E.2d 61,62 (1980), the South Carolina Supreme Court stated that relevant considerations for determining whether a position would be considered a public office include whether statutes, or other such authority, establish the position, qualifications for appointment, duties, tenure, require an oath for the position, or otherwise authorize the position to exercise a sovereign power of the state. No single

criteria is dispositive, and it is not necessary that a position exhibits all the criteria to find that a position is an office. Id.

To address whether an individual violates the prohibition against dual office holding, we must examine both positions to determine whether they are offices of honor or profit. A prior

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as an executive director (“manager”).” Id. (emphasis added). Because the opinion classified the Executive Director of the Chester Metropolitan District as “personnel,” we continue to be of the opinion that the position is better characterized as an employee and not as an office holder. As a result, a court is likely to find in favor of the District.



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY

Robert D. Cook
Solicitor General