

1976 WL 30936 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1976

*1 Mr. A. O. Corbett, Jr.
Chief of Police
Bishopville, South Carolina 29010

Dear Mr. Corbett:

We have now researched the issue of which you inquired in your letter of April 14, 1976. It is the opinion of this office that an employee of a town government would not be required to resign his position with the town or take a leave of absence if he enters a political race. There is no provision in the South Carolina Code or South Carolina Constitution which would require such an individual to resign or take a leave of absence from his position in order to run for an elective office. Instead, the South Carolina Constitution, in Article XVII, Section 1A, prohibits only dual office-holding. The town employee would, however, be subject to any local rules and regulations, such as of the local police department, which might prohibit the individual's candidacy while an active town employee.

You might also wish to note that the circular from the Public Employee Bulletin, which stated that a '[p]olitical candidate must take a leave of absence,' referred only to the Massachusetts Supreme Court case of [Boston Police Patrol Ass'n., Inc. v. City of Boston](#), 326 N.E. 2d 314 (Mass, 1975). This case held that it was proper for the Boston Police Department to have a rule which required a member of its department to take a leave of absence without pay upon becoming a candidate for election to any office.

With kind regards, I am,
Yours very truly,

Robert N. Wells, Jr.
Assistant Attorney General

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