



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

February 13, 2002

The Honorable Bob Walker
Delegation Vice Chair
Spartanburg County Legislative Delegation
Room 1210, 366 North Church Street
Spartanburg, South Carolina 29303

Re: Your Letter of January 30, 2002

Dear Representative Walker:

In the above-referenced letter, you indicate that the "Spartanburg County Legislative Delegation is requesting an opinion as to whether or not a spouse of an elected county council member and/or county council chairman can serve on either the county voter registration board or the county election commission."

In a prior opinion request, this Office was asked whether an "election commissioner can serve in that capacity if a family member (spouse) is elected to public office." In responding to this query, this Office was "... unable to locate a statute that would require an election commissioner to resign if his or her spouse should be elected to public office" See OP. ATTY. GEN. (Dated October 12, 2000). For purposes of the referenced opinion, it was assumed that the commissioner serves on a commission with jurisdiction over the spouse's election. Similarly, I can find no law which expressly forbids the spouse of a county council member from serving on a voter registration board. Therefore, it is my opinion that the spouse of a county council member is not necessarily precluded from serving on either the county voter registration board or the county election commission.

There are, however, certain statutory provisions which may be triggered when a situation such as you describe exist. S.C. Code Ann. §7-13-75 provides that no member of a county election commission or voter registration board may participate in political management or in a political campaign or make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate over whose election the member has jurisdiction. Therefore, a member of the voter registration board or an election commissioner is prohibited from taking part in either the management or the conduct of his or her spouse's political campaign. Further, the Ethics Reform Act of 1991 provides that no "public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a

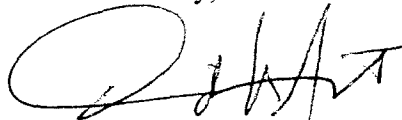
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governmental decision in which ... a member of his immediate family ... has an economic interest ...” See S.C. Code Ann. §8-13-700(B). Any specific questions concerning the application of the Ethics Reform Act should be addressed to the State Ethics Commission.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Avant', with a large, stylized initial 'D'.

David K. Avant
Assistant Attorney General

DKA/an