

The State of South Carolina



Office of the Attorney General

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August 4, 1986

Senator Isadore E. Lourie
Box 142
Columbia, South Carolina 29202

Representative James Faber
306A Blatt Building
Columbia, South Carolina 29211

Dear Senator Lourie and Representative Faber,

Your recent letter has been referred to me for reply. You have inquired if an employee of Richland County can serve as a poll manager in a general election on property owned by the county.

Richland County has enacted an ordinance that prohibits certain political activity. Section 2-460 of the Richland County Ordinances provide in part that

[n]o employee of the county shall engage in political activity:

* * *

(2) while the employee is on or around any property owned, leased or used by the county, regardless of whether the employee is carrying out some function, duty, transaction, business or responsibility for which he/she was employed...

There is no definition of the term "political activity" provided in the ordinances. Section 2-458 of the Richland County Code is titled "political activity" and provides that any full-time county employee who becomes a candidate for office shall be granted a leave of absence without pay. This apparently is not the applicable definition for "political activity" as used in Section 2-460 because Section 2-460 prohibits certain political activities of employees while they are actually performing the work for which they are employed. In a June 6, 1986, opinion by the Richland County Attorney, William F. Able,

Senator Isadore E. Lourie
Representative James Faber

-2-

August 4, 1986

he indicates that there is no specific definition in the ordinances of the term "political activity"; however, in that letter he supplies a working definition of the term. On page one of his letter he states that

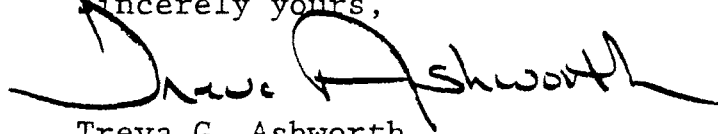
[i]t is assumed that the term 'political activity' would include both campaign work for a political candidate and representing a political party and/or candidate at the polls on election day.

On page two of his letter he states that political activity is "work for a political party." Using this definition of "political activity" as it applies to the ordinance, it would not appear to prohibit a county employee from working as a poll manager in a general election. 1/

For purposes of conducting a general election, the governor appoints for each county three to five commissioners of election. These commissioners then appoint three managers for each polling place in the county. South Carolina Code of Laws, 1976, Section 7-13-70. In a 1971 opinion of this Office, Robert Brown stated that "...working as a poll manager or clerk in a general election is a non-partisan type of activity." (copy enclosed)*

As the prohibited political activities of Section 2-460 has been defined as activities conducted on behalf of a political party, it would not appear to prohibit a person holding the non-partisan position of poll manager in a general election.

Sincerely yours,



Treva G. Ashworth
Senior Assistant Attorney General

TGA/ss
Enclosure



ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS

1/ Mr. Able's opinion concludes that a county employee could not work at the polls for a political party on property used by the county. This letter is not addressed in any way to the issues earlier presented to Mr. Able as the question presented here concerns non-partisan activity at a general election.