

1981 WL 157881 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1981

*1 Ms. Deborah H. Minick
Saluda County Registration & Election Office
Saluda County Courthouse
Saluda, South Carolina 29138

Dear Ms. Minick:

You have asked the opinion of this Office on the question of whether a full time member of the National Guard also could serve as the mayor or a council member of a municipality.

Two sections in the South Carolina Constitution prohibit persons from holding concurrently two public offices. Article VI, Section 3, [Article XVII, Section, 1A, South Carolina Constitution](#). These sections expressly provide that this dual office holding prohibition does not apply to officers in the militia. Relying on this language, Attorney General McLeod concluded in a prior opinion that the dual office holding prohibition did not apply to an officer in the Air National Guard. Op. to Grady L. Patterson, Jr., Treasurer, 10-21-74. For the same reason, it is the opinion of this office that a person who is employed as a full time member of the National Guard would not be prohibited by the dual office holding provisions in the South Carolina Constitution from concurrently serving as the mayor or a council member of a municipality.

The federal statutes known as the Hatch Act contain some restrictions, on the political activities of employees of agencies, departments or institutions of the State who are paid in whole or in part by federal funds or who are involved in activities receiving federal funds. Title 5, Sections 1501, et seq., United States Code. Opinions and advice on the application of the Hatch Act may be obtained from the Office of the General Counsel, United States Civil Service Commission, 1900 East Street, N.W., Washington, D.C. 20415 [202-632-7600].

Sincerely,

James M. Holly
Assistant Attorney General

1981 WL 157881 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.