

1980 WL 121112 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1980

\*1 Mr. M. H. Carroll, Jr.  
Assistant Director  
Midland Region  
South Carolina Probation, Parole and Pardon Board  
Post Office Box 11368  
Columbia, South Carolina 29211

Dear Mr. Carroll:

You have asked the opinion of this Office on whether you would be required to resign your position as Assistant Director with the Probation, Parole and Pardon Board if you offer for election to the office of county clerk of court.

There is no statewide personnel rule, regulation or policy that prohibits employees of the State from offering for elective office. However, the agencies and departments of the State may promulgate, within certain constitutional parameters, their own rules, regulations or policies regulating the political activities of their employees. You should check with the Board to determine if it has any such rules, regulations or policies.

If an employee of an agency, department or institution of the State or of a political subdivision thereof is paid in whole or part by federal funds, or if his employment involves activities which receive federal funds, [Title 5, §§ 1501, 1502 of the United States Code](#) may prohibit the employee from offering for elective office. Advice concerning the activities to which this prohibition is applicable should be requested from the Information Unit of the Office of General Counsel for the United States Civil Service Commission. For your convenience, I have enclosed copies of the aforementioned sections from the United States Code.

Based on the foregoing and the information within the knowledge of this Office, it is the opinion of this Office that there is no statute or constitutional provision of the State of South Carolina that would prohibit you, if you are otherwise qualified, from offering for election to the office of county clerk of court because of your employment with the Board. However, you should be advised to inquire into the other matters above-noted.<sup>1</sup>

Sincerely,

James M. Holly  
State Attorney

Footnotes

<sup>1</sup> This opinion does not deal with the question of whether you would have to resign if you were selected.

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