

1980 WL 121130 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1980

\*1 Mr. L. Steve Mayfield  
Executive Director  
SC State Housing Authority  
Suite 540, 2221 Devine Street  
Columbia, South Carolina 29205

Dear Mr. Mayfield:

You have asked the opinion of this Office on whether a staff attorney of the State Housing Authority may file and offer for election to a county council. More specifically, you have asked whether this would constitute dual office holding if the attorney is elected.

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 Authority 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.

From discussing with your office the position held by the staff attorney, I understand that it is one of employment only. [See, § 31-3-130, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. I understand further from the discussion that the position held by the attorney is not connected with the Office of the Attorney General. Thus, the dual office holding prohibitions set forth in the South Carolina Constitution would not apply to the attorney should he be elected to the county council. Article XVII, § 1A and [Article VI, § 3 of the South Carolina Constitution](#); [Sanders v. Belue](#), 78 S.C. 171 (1907).

Although there may be no possible conflicts of interest, as defined by [§§ 8-13-410 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, that may arise between the aforementioned positions, the attorney may wish to seek the advice of the State Ethics Commission. Any such conflicts that may arise, however, should not prohibit him from running for elective office.

Sincerely,

James M. Holly  
State Attorney

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