

1980 WL 121196 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1980

*1 Ryan C. Shealy, Esquire
113 Fort Street
Lexington, South Carolina 29072

Dear Ryan:

Mr. Mc Leod has asked that I reply to your letter of April 22, 1980, in which you inquire whether your position as a federal government employee, as a Census Enumerator, would prohibit you running for the South Carolina Senate.

There are no prohibitions in the South Carolina statutes which would prevent a federal employee from qualifying as a candidate and running for the Senate. However, the question is really governed by the Hatch Act, title 5. U.S. Code, Sections 7324, et seq. As this question arises from time to time, we have referred prospective candidates to the United States Civil Service Commission for their opinion, which would be the proper procedure for you to follow in your case. However, because of the short time before qualification date, we would advise you that previous advice from that office is to the effect that a federal employee may run for office only in a nonpartisan election. Since both primary and general elections for the Senate are partisan elections, in that you have candidates of various parties (as well as independents) a federal employee would be prohibited from running for these offices, unless he resigns prior to qualifying and entering the race.

We trust this information is of assistance to you. Please call upon us if we can be of assistance in any way.

Sincerely,

Frank K. Sloan
Deputy Attorney General

1980 WL 121196 (S.C.A.G.)

End of Document

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