

1979 WL 42878 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1979

*1 Ms. Lynn P. Pou
Post Office Box 2
Neeses, South Carolina 29107

Dear Ms. Pou:

You recently asked the opinion of this Office on whether there was any prohibition against you holding the office of city councilman while retaining the position of postmaster with the United States Postal Service.

Several prior opinions by Attorney General McLeod have found that the position of postmaster is a federal one which is not within the provision of the South Carolina Constitution prohibiting dual office holding. Article XVII, § 1A; also see attachments. Therefore, that provision would not prohibit you from simultaneously holding the position of postmaster and the office of city councilman.

Although it is not a prohibition and may not be applicable to your situation, you should be aware of [§ 5-7-130, Code of Laws of South Carolina](#), 1976. This section states:

Any municipal officer or employee who has a substantial financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a city officer or employee in matters related thereto.

Any city officer or employee who wilfully conceals such a substantial financial interest or wilfully violates the requirements of this section shall constitute malfeasance in office and upon conviction shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the municipal governing body.

Furthermore, to receive a complete response to your inquiry, you should contact the State Ethics Commission, 1026 Sumter Street, Room 116, Post Office Box 11627, Columbia, South Carolina, 29211, telephone number 758-7408. The Commission will be able to inform you concerning the possible application to your situation of the State statutes dealing with ethics, conduct and disclosures.

Because the position of postmaster is created by or related to federal law, you also should communicate with the Office of the General Counsel for the United States Civil Service Commission in Washington, D. C. regarding any conflict with the Hatch Act. Finally, you should communicate with the United States Postal Service as there may be internal administrative regulations relevant to your inquiry.

Sincerely,

James M. Holly
State Attorney

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