

1977 WL 37193 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 3, 1977

*1 Miss Shannon Harris
P.O. Box 462
McColl, SC 29570

Dear Miss Harris:

Mr. McLeod has referred your recent letter to me for reply. You have asked if a person who is employed by the Marlboro County Prison Farm as a jailer can run for a county office.

There of no South Carolina statute which would prohibit a candidate from maintaining his employment during the course of his candidacy. However, any agency may promulgate its own rules and regulations which govern an employee of that agency. Therefore, if an agency establishes rules and regulations that prohibit political activity, etc., these guidelines would control an employee of that agency. However, in the absence of any regulation or policy by the agency employing the individual which would prohibit candidacy and employment, a person could run for political office and maintain his employment.

If an employee is paid in whole or in part by federal funds, or if his job is related to an activity which receives federal funds, he comes within the provisions of the Hatch Act and determinations of permissible activities must be made by the Office of the General Counsel for the United States Civil Service Commission in Washington, D.C.

As to the other information you have related in your letter, it would be advisable to contact your city or county attorney who would be in the best position to help you.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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