

1977 WL 37201 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 19, 1977

*1 The Honorable Elton Culpepper
Mayor
City of Walterboro
Walterboro, SC 29488

Dear Mayor Culpepper:

You have informed this Office that the City of Walterboro would like to employ the daughter of a member of the City Council. You have requested an opinion as to whether or not this employment would be prohibited by § 8-5-10 of the 1976 Code of Laws.

This Section prohibits nepotism and states that:

It shall be unlawful for any person at the head of any department of this government to appoint to any office or position of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree.

This Section has been interpreted by a previous opinion of this Office, which I am enclosing, to only apply to State government and not to municipalities. In recent years, the General Assembly has considered enacting legislation to have the provisions of this statute apply to municipalities; however, at this time they do not apply. Therefore, this statute would not prohibit a municipality from hiring the daughter of a member of City Council.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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