

1979 WL 43196 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1979

*1 Word Processing Center
House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Sir:

Representative McAbee has requested this Office to issue an opinion as to whether or not a state or federal employee may run for office.

There is no South Carolina statute which would prohibit a candidate from maintaining his employment during the course of his candidacy. However, any state 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 state employment.

If the state 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 General Counsel for the United States Civil Service Commission in Washington, D. C.

Any federal employee would probably be prohibited from running for public office under the Hatch Act. However, any federal employee desiring to run should contact the Office of General Counsel for a definitive opinion as to his eligibility.

Yours very truly,

Treva G. Ashworth
Senior Assistant Attorney General

1979 WL 43196 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.