

1978 WL 34728 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 1, 1978

*1 Sheriff Morgan McCutchen
Beaufort County Sheriff
Beaufort, SC 29902

Dear Sheriff McCutchen:

Recently an Opinion was requested on your behalf concerning an interpretation of Code of Laws of South Carolina, 1962, Section 53-159. This Section reads as follows:

Removal for taking part in politics.—It shall be a cause for removal for any Deputy Sheriff appointed under the provisions of this article, during the term for which he has been appointed, to take any active part in politics, either directly or indirectly, in his own behalf or in the behalf of anyone else. But this section shall not be construed to interfere with the power of the Governor to remove such Deputy Sheriff as herein provided.

Your question is, whether the statute referred to above prohibits a Deputy Sheriff from Beaufort County, who has unofficially announced his candidacy for Sheriff, from appearing at one or more meetings to solicit support for his candidacy, and from otherwise campaigning for Sheriff.

Under the clear literal language of Section 53-159, a Deputy Sheriff is prohibited from campaigning for Sheriff while he is serving as a Deputy.

Although Section 53-159 is a law with only County-wide applicability, all laws validly enacted are presumed to be constitutional until a Court determination to the contrary.

I have discussed the contents of this letter with Assistant Attorney General Karen L. Henderson, the attorney in this Office most familiar with special legislation and the new Home Rule Act. Mrs. Henderson advises me that she concurs with the determination set forth herein.

I hope this information will be helpful to you.

Sincerely,

George C. Beighley
Assistant Attorney General

1978 WL 34728 (S.C.A.G.)

End of Document

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