

1978 WL 34775 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1978

*1 The Honorable Kay Patterson
Member
House of Representatives
6815 Gavilan Avenue
Columbia, South Carolina 29203

Dear Mr. Patterson:

Your letters of March 7, 1978, and March 16, 1978, ask the following questions:

- '1. Is the distribution of a survey to association members for the purpose of recruiting volunteer workers for a committee permissible?
2. Is the distribution of a survey to determine political preferences and allegiances permissible?
3. Is the distribution of material which solicits political commitment to a Political Action Committee permissible?
4. Is the distribution of any material from a Political Action Committee which endorses particular candidates permissible?
5. Can a teacher or school employee do the above in his/her school building?

If the members of the Political Action Committee are subject to the Hatch Act, their political activities would depend upon the interpretation placed upon that Act by the Civil Service Commission which has sole jurisdiction in the matter. Therefore, inquiry in this respect should be made to the General Counsel, Civil Service Commission, Washington, D. C. The inquiry addressed to them should recite the precise employment in which the particular individual may be involved and a statement of the nature of the work proposed to be entered into, such as is set forth in your letter. The application of the Hatch Act is a federal question exclusively, and, for that reason, I direct your inquiry in that respect to the Civil Service Commission.

If the members of the Committee are not subject to the Hatch Act, I advise that there is no Statewide law of general application which would prevent them from engaging in the activities you mention unless their employing unit, such as a school board, has restrictions of its own which may be similar to the Hatch Act restrictions imposed upon employees who may be subject to its provisions. Therefore, the local employing unit of the individuals involved should be contacted to determine if there are any regulations that may be imposed by them.

With regard to your last question, the answers above are applicable and, in addition, I direct your attention to [Section 16-17-420 of the 1976 Code](#) of Laws, which makes it unlawful for any person to enter upon any school or college premises without the permission of the principal or president in charge of the school involved.

I therefore advise that, in my opinion, the activity which you mention may be engaged in unless restricted by (a) application of the Hatch Act; (b) application of any regulations which may be imposed by employing units, and (c) application of [Section 16-17-420 of the Code](#) of Laws for 1976 with respect to school buildings.

If I may be of any further service, please feel free to call upon us.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

1978 WL 34775 (S.C.A.G.)

End of Document

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