

1976 WL 30584 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 6, 1976

\*1 Hon. J. H. C. Dalrymple  
Judge of Probate  
Chesterfield, South Carolina

Dear Judge Dalrymple:

You have raised the question whether you, as a judge of probate, may be a candidate in an election for another office without first resigning your judicial position.

Canon 7 of the Code of Judicial Conduct deals with those political activities which are considered inappropriate to the holding of a judicial office. Canon 7(A)(3) states:

A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

If you wish to become a candidate for a non-judicial office, Canon 7(A)(3) requires that you resign your present position as judge of probate when you qualify as a candidate in the election.

If the election is one to fill a judicial office, the Code of Judicial Conduct does not require you to resign your present position in order to run in the election; Canon 7(B), however, would be applicable to you during your campaign to the extent that it regulates campaign conduct.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

1976 WL 30584 (S.C.A.G.)

---

End of Document

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