

1975 WL 29361 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 3, 1975

\*1 Honorable Walter J. Bristow, Jr.  
Senator  
Richland County  
830 Laurel Street  
Columbia, South Carolina 29201

Dear Mr. Bristow:

We are in receipt of your letter in which you requested an opinion of this office as to whether or not there is any violation of the Constitution or statutory law for an individual to retain State employment and hold the office of member of the Rouse of Representatives.

There is no State statute or Constitutional provision that would prevent a person from being a state employee and holding an elective position. However, there is the possibility that a conflict of interest may result from the situation as he may be called upon, in his capacity as Representative, to make decisions that would affect his State Department and even his own job. An agency may promulgate its own rules and regulations which govern employees of that agency. If the agency has established rules and regulations that would prohibit an employee of that agency from holding an elective position and retaining employment in that agency, these guidelines would control an employee of that agency.

Irrespective of such rules and regulations an agency may determine that the holding of an elective office may conflict with the hours or performance of work of an employee, thereby disqualifying him to continue as a State employee.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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