1974 S.C. Op. Atty. Gen. 117 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3749, 1974 WL 22427

Office of the Attorney General

State of South Carolina
Opinion No. 3749
April 11, 1974

*1 1. A state employee may maintain his employment while offering as a candidate for a political office subject to rules to the contrary as promulgated by a state agency for the purpose of governing an employee of that agency.

2. 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 permissable activities must be made by the Office of General Counsel for the United States Civil Service Commission.

The question has arisen of whether or not a state employee may maintain his employment while offering as a candidate for a political 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.

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