

1974 WL 27533 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 11, 1974

*1 Mr. George W. Hopkins, Jr.
Director
Division of Special Services
South Carolina ETV Network
Drawer
Columbia, South Carolina 29250

Dear Mr. Hopkins:

Your letter of December 8, 1974, addressed to Mr. McLeod has been referred to me for reply. You have inquired whether or not you can retain state employment and at the same time seek and hold an elective office. You have stated that you are employed as the Director of the Division of Special Services of the South Carolina ETV Network and are seeking election to the Lexington County District No. 2 School Board.

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 you, as a state employee, are paid in whole or in part by federal funds, or if your job is related to activity which receives federal funds, you would come 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.

It is my understanding of your position that your job constitutes employment and is not an office. You would, therefore, not be violating the dual office prohibition of the State Constitution, which prohibits an individual from occupying two offices of trust, honor or profit at the same time by retaining your state employment and holding elective office.

Sincerely,

Treva Ashworth
Assistant Attorney General

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