

1972 WL 25219 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 23, 1972

*1 The Honorable James H. Moss
Member
House of Representatives
Box 908
Beaufort, South Carolina 29902

Dear Jim:

Thank you for your letter of February 22 concerning the right of a teacher to be a candidate for the Board of Education in an election.

There is no State statute which prohibits a teacher from being a candidate for political office. I am not aware that we have heretofore expressed the opinion that State employees cannot run for State offices and, in fact, the exact contrary conclusion has been expressed.

Should a teacher be elected to the Board, however, there is the possibility that a master-servant relationship would be thereby created in that, should he continue as a teacher, he would be subject to the overriding authority of the County Board of Education. In those counties where the Board of Education serves as a Board of Trustees, the relationship would be even closer.

Therefore, while I know of nothing to prevent him from running as a candidate, the dual status resulting from his election would, most probably, present a conflict which is void as against public policy. [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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