

1974 WL 27725 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
April 22, 1974

*1 The Honorable Walter N. Lawson
1015 Park Avenue
Florence, South Carolina

Dear Walter:

At the recent Democratic State Convention, I was called by phone to express an opinion as to whether Judge Stone, Probate Judge for Florence County, could properly serve as a National Executive Committeewoman or as a Delegate to the National Convention. I am not certain as to which was inquired about, but the opinion which I gave then, and which I now reiterate, would be applicable to either or to any other similar political organization. The basis of my opinion was a recently promulgated document entitled 'Rule 33 of the Supreme Court of South Carolina, Code of Judicial Conduct.' Judge Stone comes within the purview of this Rule and the following is quoted from Canon 7 of the Rule: 'A Judge Should Refrain From Political Activity Inappropriate to his Judicial Office

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office.'

Subsection (1)(a) above set forth is applicable to a judge of probate or any other judge in South Carolina.

Another portion of the Rule provides that 'a judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.'

As seen from the above portion of the Rule, some restricted political activity is permitted judges when they are candidates for re-election, but the first part of the Rule, in my opinion, will preclude a judge from a position or office of leadership in a political organization. For that reason, I advise that Judge Stone should not appear at the National Convention as a Delegate.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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