

The State of South Carolina



Office of the Attorney General

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February 25, 1992

The Honorable Harriet Keyserling
Member, House of Representatives
Beaufort County
Box 1108
Beaufort, South Carolina 29901

Dear Representative Keyserling:

You have requested the Opinion of this Office as to whether the Beaufort County Board of Education (County Board) is affected by a referendum concerning the Beaufort County Council. The referendum, which passed, provides for the reorganization of the County Council into an eleven (11) member body elected from single member districts instead of the previous nine (9) member body elected from three (3) single member districts, three (3) multi-member districts and three (3) at large districts. Act No. 253, 1987 S.C. Acts 2306 provides for a nine (9) member County Board with three (3) members elected at large and six (6) members elected from single member districts. Section 4 of this Act provides that "[i]n the event that the members of the [county council] are elected from nine [single-member districts], a member of the [county board] must also be elected from each of these nine districts...." (emphasis added).

The following rule of statutory construction is applicable here to Act 253:

The ...primary function in interpreting a statute is to ascertain the intention of the legislature.... Where the terms of a statute are clear and unambiguous, there is no room for interpretation and [they must be applied] according to their literal meaning." South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E.2d 134 (1986).

Here, Act 253 provides for a nine (9) member County Board. The only contingency expressed therein concerning that board is that the members thereof would each be elected from nine (9) single member election districts in the event that the members of the

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County Council were elected from nine (9) single member election districts. Under this contingency, the number of members of the County Board would not change. The only change would be from three (3) at large and six (6) single member seats to a nine (9) single member seat system. Nothing in Act 253 indicates an intent that the County Board should become an eleven (11) member body upon the event of such a change in the County Council. Therefore, the literal language of Act 253 must be applied here. Under that law, because County Council has not changed to a nine (9) single member district system, no change need be made in the membership method of selection of the Beaufort County Board of Education.

In conclusion, the referendum concerning the organization of the Beaufort County Council into an eleven (11) single member body appears to have no effect upon the make-up of the Beaufort County Board of Education. If you have any questions or need additional information, please let me know.

Yours very truly,



J. Emory Smith, Jr.
Assistant Attorney General

JESjr/rl

REVIEWED AND APPROVED BY:



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