

## The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803-734-3636

October 15, 1987

The Honorable Thomas A. Limehouse  
Member, South Carolina House of  
Representatives  
Drawer 2005  
Summerville, South Carolina 29484

Dear Representative Limehouse:

You have requested the advice of this Office as to following provisions for the election of members the Board of Trustees of Dorchester School District 2:

"...The four elected members of the Board receiving the highest vote shall serve terms of four years and the three elected members receiving the next highest vote shall serve initial terms of two years each. Thereafter, their successors must be elected in nonpartisan elections held at the time of the general election every two years, as terms expire, for terms of four years but in no case may any trustee serve more than two successive four year terms..." At 536, Acts and Joint Resolutions of South Carolina, 1986.

The following rule of statutory construction is applicable here:  
"Where the terms of a statute are clear and unambiguous, there is no room for interpretation, and [a court] must apply them according to their literal meaning." South Carolina Department of Highways and Public Transportation v. Dickinson, 341 S.E.2d 134 (SC 1986). Because the restriction on succession applies only to two successive four-year terms, this limitation would not apply to trustees who had served only one two-year term and who were running for their first four-year term. This restriction would also be inapplicable to trustees who had served only one four-year elected term following

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a four-year term as an appointed trustee because the restriction clearly applies only to elected terms. Sutherland Statutory Construction, Vol. 2A, §46.05.

If you have any questions, please let me know.

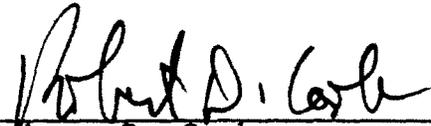
Yours very truly,



J. Emory Smith, Jr.  
Assistant Attorney General

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REVIEWED AND APPROVED:



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Robert D. Cook  
Deputy Attorney General