

1983 WL 181770 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 25, 1983

\*1 The Honorable John L. Napier  
Goldberg, Cottingham, Easterling & Napier, P.A.  
Attorneys at Law  
Post Office Drawer 655  
Bennettsville, South Carolina 29512-0655

Dear John:

As attorney for the Marlboro County School Board (board), you have requested the opinion of this office as to whether a member of the board may continue to serve if he moves from the district from which he was elected to another district. Act 256, Acts and Joint Resolutions of South Carolina, 1981, provides for the election of board members from single member districts. This law states that '[m]embers of the board elected from each of the . . . districts shall be residents of that district and shall be elected by the qualified electors of such districts'.

In requiring that members be residents of the districts from which they were elected, Act 256 appears to require that they continue to be residents of those districts during their term. See Ops. Atty. Gen. (December 19, 1980, by Karen LeCraft Henderson, Senior Assistant Attorney General; September 13, 1979 and March 8, 1978, by Treva G. Ashworth, Senior Assistant Attorney General). See also 65 Am. Jur. 2d Public Officer and Employees § 42. Therefore, if a member were to move from his district during his term, he could no longer continue to serve. Id.

If we may be of further assistance, please contact us.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Attorney General

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