

1983 WL 182082 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 22, 1983

*1 Ms. Sara B. Aycock
Chairman
Clarendon County Board of Education
Box 476
Manning, South Carolina 29102

Dear Ms. Aycock:

You have inquired as to the expiration date of the term of office of a person appointed to fill a vacancy on the Board of Trustees of Clarendon County School District No. 1 (District 1). You have attached a letter from the Superintendent of Education to this trustee informing her that, on June 14, 1982, the County Board of Education had appointed her to carry out an unexpired term. The appointment was to begin July 1, 1982, and expire June 30, 1983.¹

At the time of the appointment in question, local legislation for District 1 did not specifically provide for filling vacancies on that district's board (See Act 530, Acts and Joint Resolutions of S. C., 1982); however, general vacancy filling legislation was in place then which should have applied to District 1 in that it is tied to a method of appointment of trustees similar to that utilized in District 1. Sections 59-19-30 and 59-19-60 of the Code of Laws of South Carolina (1976). Therefore, the appointment to fill the vacancy appears to be valid. Act 232 of 1983 now sets out specific provisions for filling vacancies in District 1 which are consistent with those in Section 59-19-60 and the action apparently taken in Clarendon County. Cf. Sutherland Statutory Construction, Vol. 2A, Section 49.11 (4th Ed.)

Assuming then that this appointment was valid, the letter and statutory authority noted above make clear that this appointment was only intended to last until the end of the unexpired term; however, this person appointed to fill the vacancy may be deemed to hold over in office until a successor to her is appointed. See Ops. Atty. Gen. (September 27, 1983).

We have undertaken no review of all the facts surrounding this matter. Therefore, any remarks made herein should be construed qualified to the extent that additional facts might alter them. The authority cited herein is provided for your guidance. We suggest that this matter be discussed further with the County Board's attorney.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

Footnotes

¹ We assume that this date is the one for the expiration of the unexpired term.

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