

1972 WL 26150 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 7, 1972

\*1 Mr. G. Werber Bryan  
Messrs. Bryan, Bahnmuller and King  
Attorneys at Law  
Post Office Box 1568  
Sumter, South Carolina 29150

Dear Mr. Bryan:

Tank you for your letter of June 2 inquiring whether R-1341, approved by the Governor on the 6th day of Loy, 1972, is applicable to School District No. 17 (Section 21-4064) of Sumter County.

This section provides for seven School Commissioners to be elected for four-year terms. R-1341 applies to multiple offices in the State and, in the opinion of this Office, is applicable to all multiple offices. Such offices must be numbered to comply therewith. No lottery system, or equivalent thereof, is provided for to choose or allocate the specifically numbered seats. It has been my view that the logical and most practical way of achieving this is merely to let the governing body (either the Board of Trustees or the Board of Education) number the seats, and the various candidates would then simply file for whatever numbered seat they want. This will usually result in the candidates discussing among themselves beforehand which office they wish to file for and making their filings accordingly.

This act has not been approved by the Attorney General of the United States and the effort by Mr. Broadwater to restrain its enforcement on that ground will undoubtedly be heard at a very early date by a three-judge court, assuming that the Justice Department does not act immediately. That action that court will take is problematical, but I would not rush into the printing of ballots, but would wait until the very last possible moment to determine whether the provision can be enforced. If an official body does not designate the numbers, the candidates thease was would know that sitrustees are to be elected, and they could merely file for whichever numbered seat they wished.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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