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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

September 15, 2005

The Honorable Murrell Smith
Member, House of Representatives
P. O. Box 580
Sumter, South Carolina 29151

Dear Representative Smith:

In a letter to this office you referenced that Sumter County has two school districts, School District 17 and School District 2. During the 2002 legislative session, legislation was introduced which reapportioned the election districts from which members of the boards of trustees of these two school districts would be elected beginning with the election in 2002. See: Acts. Nos. 466 and 468 of 2002. For instance, Act No. 468 provides that

Beginning with the election conducted in 2002, the seven defined single-member election districts from which members of the Board of Trustees of Sumter County District 17 must be elected are as follows:....

In establishing the election districts within each district, reference was made to VTDs (voting tabulation districts) and census blocks. You have questioned whether in enacting this legislation reapportioning the election districts in both districts were the school district lines themselves changed.

In responding to your question, I met with Mr. Bobby Bowers who made available a map of School District 17 before the enactment of Acts Nos. 466 and 468 along with maps of Districts 2 and 17 showing the newly reapportioned election districts within School Districts 2 and 17 as established by these Acts.. It is apparent from reviewing these maps that in establishing the reapportioned election districts, the boundary lines for these districts expands and contracts at various locations the boundary line of District 17.

Acts Nos. 466 and 468 do not themselves specifically refer to the boundary lines for Districts 2 and 17. However, in establishing the reapportioned election districts there was no provision stating that the boundary lines of Districts 2 and 17 were themselves not altered. I have been informed that in many instances in legislation dealing with the clarification or alteration of boundary lines for election districts of a particular school district the following type language was inserted:

Rebent Stettin

The Honorable Murrell Smith
Page 2
September 15, 2005

The boundaries of...(a particular school district)...are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base.

No such language was included in Acts Nos. 466 and 468 dealing with the Sumter school districts.

Inasmuch as there has been no expression of legislative intent that the school district lines for Sumter Districts 2 and 17 were not to be altered by the reapportioned election district lines within such districts, it is the opinion of this office that the district lines for Districts 2 and 17 should be considered altered so as to conform to the reapportioned election district lines. Therefore, I agree with your conclusion that the district lines for these districts have been changed.

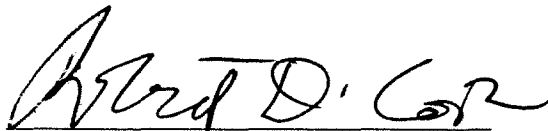
If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General