

The State of South Carolina



T. Travis Medlock
Attorney General

Attorney General

803-734-3970
Columbia 29211

February 16, 1993

The Honorable Eugene C. Stoddard
Member, House of Representatives
422B Blatt Building
Columbia, South Carolina 29211

Dear Representative Stoddard:

You have asked for an interpretation of S.C. Ann. § 59-125-30 as it relates to a purported vacancy on the Board of Trustees of Winthrop University. The language in question is:

... the General Assembly shall elect successors to those trustees whose terms are expiring not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired. When there is a vacancy otherwise occurring in the board of trustees among the elected members, the Governor may fill it by appointment until the next session of the General Assembly.

...

The question arises due to a gubernatorial appointment having been made last fall to fill a vacancy, occasioned by the resignation of a trustee, until such time as the vacancy could be filled by the General Assembly: should the appointment have been made for the unexpired portion of the term?

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The plain language of § 59-125-30 makes it clear that when a vacancy arises from the death, resignation, or removal of a trustee, the Governor may fill the vacancy temporarily until the next session of the General Assembly. At the next session, the General Assembly would elect someone to serve the unexpired portion of the term in question.

Thus, it is our opinion that the individual serving in place of the resigned trustee by appointment would serve until his successor is elected during this session of the General Assembly. His successor would serve the unexpired portion of the term in question.

With kindest regards, I am

Sincerely,



T. Travis Medlock
Attorney General

TTM/an