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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

November 18, 1996

Mr. Bernard Nichols  
Member-Elect, Newberry County Board of Education  
27 Nance Street  
Newberry, South Carolina 29108

Re: Informal Opinion

Dear Mr. Nichols:

This Office has received your opinion request dated November 15, 1996. You have advised that you were recently elected to the Newberry County Board of Education (hereinafter "Board"). You have asked this Office's opinion as to when the term of office begins for a member of the Board.

The local legislation for the Board does not expressly provide for the commencement of the term of office.<sup>1</sup> Therefore, commencement of the term appears to be controlled by S.C. Code Ann. § 4-11-10 (Supp. 1995) which sets the beginning of the term of office of various county officers as the "... first Tuesday in January next after the election..." Op. Atty. Gen., December 17, 1984. Previous opinions of this Office have concluded that members of County Boards of Education are county officers. Op. Atty. Gen., July 11, 1986. I would also note that the provisions of S.C. Code Ann. § 59-15-10 (1990) for the commencement of the terms of appointed members of various County Boards of Education should not be controlling here because the members of the Newberry County Board are not appointed.

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<sup>1</sup> Act 284, Act and Joint Resolutions of South Carolina, 1985, provides that the term of Office shall be "... four years and until a successor is elected and qualifies." A previous opinion of this Office indicates that such language alone does not define the date for the commencement of the terms. Op. Atty. Gen., December 17, 1984.

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In conclusion, the above authority indicates that the term of office of members of the Board should commence in accordance with S.C. Code Ann. § 4-11-10 (Supp. 1995). Accordingly, the term would begin on "the first Tuesday in January next after the election."

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General