

The State of South Carolina

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August 24, 1990

The Honorable James H. Hodges
Member, House of Representatives
P. O. Drawer 460
Lancaster, South Carolina 29721

Dear Representative Hodges:

Attorney General Medlock has referred your recent letter to me for reply. You have stated that a recent law, R615 of 1990, amended the legislation regarding the election of Lancaster Board of Trustees to provide that they must file for office by September 1. You have inquired if the Board of Registration can set an arbitrary date for filing to begin, such as August 20.

The Act is silent as to when filing will begin only providing the date when it must be accomplished. In this regard the Act follows similar statutory provisions. See, South Carolina Code of Laws, 1976, as amended, Sections 7-13-351 and 7-13-352 and the previous law governing Lancaster School Trustee elections, Act 777 of 1988. As the present Act does not provide a date for filing to begin, the Board has no authority to establish an arbitrary date of its own choosing.

The Board has also requested clarification as to when the Board's office must open and close on September 1, as that date falls on a Saturday. The Act reads in pertinent part as follows:

[a]ll persons desiring to qualify as a candidate for election to the Board of Trustees shall file with the County Election Commission a statement of candidacy no later than the first day of September before the general election. If September first is a Sunday, the statement must be filed no later than twelve noon on the following Monday before the general election.

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Comparable statutes which require a candidate to file for office by September 1, indicate the filing will be accomplished by noon on the date of filing. See, South Carolina Code of Laws, 1976, as amended, Sections 7-13-351 and 7-13-352. This Act, Act R615, does not specify noon on September 1 as the cut off time for filing. Therefore, in the absence of a noon deadline it would appear the deadline would be the close of the work day; ie, 5 o'clock, as an earlier time has not been authorized.

Very truly yours,

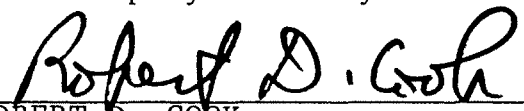

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