

The State of South Carolina



Office of the Attorney General

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January 30, 1991

The Honorable D. N. Holt, Jr., Chairman
Charleston County Joint Legislative Delegation
2 Courthouse Square, Room 317-A
Charleston, South Carolina 29401

Dear Representative Holt:

Attorney General Medlock has referred your recent letter to me. You have stated that a special election to fill the vacated House seat of McKinley Washington will be held on April 2, 1991. You have inquired if the Charleston County Legislative Delegation can make appointments to the Charleston County Board of Election Commissioners prior to the holding of this special election.

S.C. Code Ann. § 7-13-70 (Supp. 1990) provides in part that

[f]or the purpose of carrying on general or special elections provided for in Section 7-13-10 the Governor, at least ninety days before the election, shall appoint for each county not less than three nor more than five commissioners of election upon the recommendation of the Senator and at least half of the members of the House of Representatives from the respective counties.... The commissioners shall continue in office until their successors are appointed and qualified.

Under the provisions of this statute, persons appointed to the Board have implied two year terms unless shortened by appointments of new members prior to an intervening special election. As a special election has been set for April 2, the Code would authorize new members of the Board to be appointed prior to the holding of

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this special election. See also, Opinion to the Honorable Herbert U. Fielding and the Honorable D. N. Holt, Jr., from Treva G. Ashworth, September 8, 1989, copy attached, which reached this same conclusion.

If I can be of further assistance, please inform me.


Very truly yours,


Treva G. Ashworth
Senior Assistant Attorney General

TGA:bvc
Attachment

REVIEWED AND APPROVED BY:


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