

The State of South Carolina

4972 Library



Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3636  
FACSIMILE: 803-253-6283

October 20, 1992

Ray Coit Yarborough, Jr., Esquire  
Attorney at Law  
Box 80  
Timmonsville, SC

Dear Mr. Yarborough:

As attorney for Florence County School District Four, you have requested the opinion of this Office as to the method for filling two vacancies on that Board. Local legislation for Florence County provides for the election of trustees by a majority vote of the qualified electors present at an annual meeting of the citizens of the district. S.C. Code Ann. §§ 21-2672 and 2673 (1962). This local legislation includes no provision for filling vacancies on those boards.

General provisions for filling vacancies on boards of trustees are set forth in § 59-19-60 (1990) which states that vacancies "...shall be filled for the unexpired term by the County Board of Education in the same manner as provided for full-term appointments." The County Board of Education in Florence County has been abolished and its powers and duties devolved upon the boards of trustees of the school districts of that county. Act No. 24, 1975 S.C. Acts 20. Therefore, the District Four Board of Trustees, by devolution, appears to have the authority to fill vacancies by appointment under § 59-19-60.<sup>1</sup>

Although the District Four Board is composed of trustees elected at an annual meeting rather than by appointment of another body, no authority is indicated in the local legislation for Florence County to call a special meeting of the electors of the district to choose successors to fill those vacancies or to hold a special election by the voters. See 29 C.J.S. Elections § 81.

---

<sup>1</sup>The resigning members would serve until their successors have been selected and qualified. See § 21-2671; Rogers v. Coleman, 245 S.C. 32, 138 S.E.2d 415 (1964); 67 C.J.S. Officers, § 55.

Ray Coit Yarborough, Jr., Esquire  
October 20, 1992  
Page Two

Therefore, appointment of successors by the Board appears to be the method of filling those vacancies intended by State law.

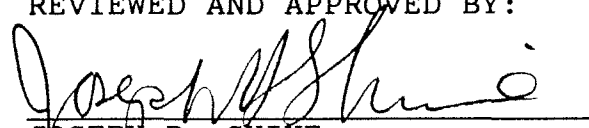
In conclusion, the method for filling the vacancies on the Florence School District Four Board of Trustees appears to be by appointment of the Board. If you have any questions, please let me know.

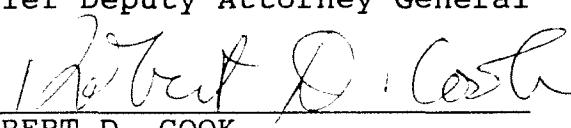
Yours very truly,

  
J. EMORY SMITH, JR.  
Assistant Attorney General

JESjr:lt

REVIEWED AND APPROVED BY:

  
JOSEPH D. SHINE  
Chief Deputy Attorney General

  
ROBERT D. COOK  
Executive Assistant for Opinions