

1966 Library

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3680
FACSIMILE: 803-253-6283

September 16, 1992

The Honorable John W. Matthews, Jr.
Member, South Carolina Senate
District No. 39
Post Office Box 142
Columbia, South Carolina 29202

RE: Act Bearing Ratification No. 434

Dear Senator Matthews:

This confirms our conversation of September 11, 1992, regarding the above-cited Act. You had asked me if the Act should be amended to provide a filing period for school trustee elections. I would think that such an amendment would be necessary.

The Act provides that following the initial election to be held in November of this year,

[t]heir successors must be elected in a non-partisan election to be conducted on the second Tuesday in April and every two years after that time for those trustees whose terms expire, for terms of four years each.

General law provides for filing for nonpartisan elections no later than noon on September first. Obviously this would be inapplicable to an April election as it would be too removed in time from the election. The statute, therefore, would appear to require an amendment to provide a filing period for these candidates.

In reading over this Act I found another possible problem in the wording of the Act. The Act provides for the initial election to be in November with the initial term of office to begin January 1, 1993. As previously noted successors are elected in April. No new date is established for these offices to begin. As the statute is written, it would appear that the persons elected in April would

The Honorable John W. Matthews, Jr.
September 16, 1992
Page 2

not take office until the following January. I understand from our conversation this was not the legislative intent.

If I can be of any further assistance regarding this, please advise me.

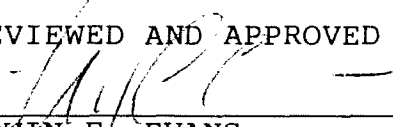
Very truly yours,

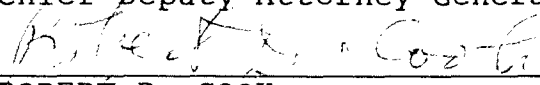


Treva G. Ashworth
Senior Assistant Attorney General

TGA:bvc

REVIEWED AND APPROVED BY:



EDWIN E. EVANS
Chief Deputy Attorney General

ROBERT D. COOK
Executive Assistant for Administration