

The State of South Carolina

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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 24, 1990

J. Michael Murphree
P. O. Drawer 1966
Summerville, South Carolina 29484

RE: Francis Marion College -
Board of Trustees Terms of Office

Dear Mr. Murphree:

Our Office has received a request for an opinion as to the terms of office for those at-large members of the Frances Marion College Board of Trustees elected by the General Assembly, and specifically what dates the new members begin serving. South Carolina Code of Laws Ann., §59-133-10 specifies that 15 members of the Francis Marion College Board of Trustees are elected by the General Assembly. Of these fifteen, two are elected from each Congressional District and the remaining three are elected from the State at-large. Each member of the Francis Marion College Board of Trustees occupies a seat designated by a number. The three members elected by the General Assembly from the State at-large occupy Seats numbered 13, 14, and 15.

Section 59-133-10 also states that:

"Effective July 1, 1988, the even-numbered seats of those members elected by the General Assembly must be filled for four-year terms expiring June 30, 1992."

Based on this provision, Seat 14 is for a four-year term beginning July 1, 1988 and expiring June 30, 1992. I should point out that though the statute specifies an expiration date, it has long been the opinion of this Office that a person serving a term of office continues to do so until his or her successor takes office. Therefore, even though the statute sets an expiration date for Board members, a member "holds over" until the successor takes office.

Section 59-133-10 further states that:

"The remaining elective odd-numbered seats on the board must be filled for two-year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd-numbered seats must then be elected for four-year terms beginning July 1, 1990, and expiring June 30, 1994."

Therefore, Seats 13 and 15 were initially filled for two-year terms beginning July 1, 1988 and expiring June 3, 1990. Thereafter, on July 1, 1990, a new term began which, subject to the doctrine of "holding over" as discussed above, expires on June 30, 1994.

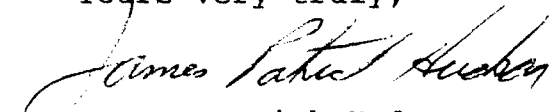
Section 59-133-10 goes on to state that:

"The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected."

Based on the foregoing, it is the opinion of this Office that the current term for Seats 13 and 15 began July 1, 1990 and the current term for Seat 14 began July 1, 1988. 1/


I trust this information has been helpful to you. If I can be of further assistance, please do not hesitate to contact me.


Yours very truly,


James Patrick Hudson
Deputy Attorney General

JPH/srcj

REVIEWED AND APPROVED BY:


Robert D. Cook, Esquire
Executive Assistant for Opinions


Edwin E. Evans
Chief Deputy Attorney
General

1/ This opinion presupposes that the seats in question were filled in the normal course of events. It does not address the situation where seats are specially filled due to a vacancy occurring during the term.