

The State of South Carolina

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February 1, 1988

The Honorable Joseph B. Wilder
Member
South Carolina House of Representatives
309 D Blatt Building
Columbia, South Carolina 29211

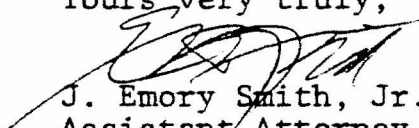
Dear Representative Wilder:

You have requested the advice of this Office as to the authority of the Barnwell County Board of Education (County Board) to act in the interim between the expiration last year of their terms and the passage of proposed legislation abolishing the County Board. New members of the County Board have not been appointed.

Under previous opinions of this Office, a "hold-over" officer continuing to serve beyond the expiration of his or her term, would be considered to be a de facto officer whose acts would be valid unless and until such acts were voided by a court. Ops. Atty. Gen. (April 18, 1986 and February 5, 1986). Therefore, the hold-over members of the County Board would constitute de facto officers whose acts would be valid unless and until voided by a court.

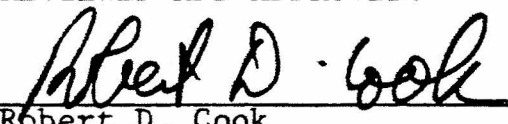
For your information I am enclosing copies of the above referenced prior opinions.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr:st
Enclosures

REVIEWED AND APPROVED:


Robert D. Cook
Executive Assistant for Opinions