

Library 2330

# 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 3636

July 11, 1986

The Honorable Ryan Shealy  
Member, South Carolina Senate  
Post Office Box 966  
Lexington, South Carolina 29072

Dear Senator Shealy:

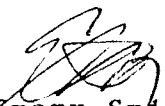
You have requested the advice of this Office as to the method of filling a vacancy on the Lexington County Board of Education (County Board). The provisions for the election of the members of the County Board do not include provisions for filling vacancies on that Board. See, Act 796, Acts and Joint Resolutions of South Carolina, 1978.

Previous opinions of this Office have concluded that, in the absence of specific provisions to the contrary, vacancies on county boards of education should be filled by the Governor pursuant to Section 1-3-220 of the Code of Laws of South Carolina, 1976, which authorizes the Governor to fill vacancies in county offices. See Ops. Atty. Gen. (March 16, 1983 and December 2, 1970); see also, Section 4-11-20 of the Code. The reasoning of these opinions is that the county boards of education addressed in them governed county-wide school districts thereby making the members of the boards county officers. Although Lexington County is composed of several school districts rather than one county-wide district, the County Board has county-wide jurisdiction. See, Section 59-15-10 of the Code. Therefore, members of the Lexington County Board of Education should be county officers, and the Governor should have the authority to fill vacancies on that Board pursuant to Section 1-3-220.

The Honorable Ryan Shealy  
Page Two  
July 11, 1986

In conclusion, vacancies on the Lexington County Board of Education should be filled by the Governor pursuant to the provisions of Section 1-3-220 of the Code. If you have any questions, please let me know.

Yours very truly,



J. Emory Smith, Jr.  
Assistant Attorney General

JESjr:st  
Enclosures  
Reviewed and Approved:



---

Robert D. Cook  
Executive Assistant for Opinions