

## The State of South Carolina



## Office of the Attorney General

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April 9, 1987

The Honorable W. Richard Lee  
Member, South Carolina State Senate  
512 Gressette Building  
Columbia, South Carolina 29202

Dear Senator Lee:

You have requested the advice of this Office as to procedures for filling vacancies on the boards of trustees of Spartanburg County. In response to your request, I am enclosing a copy of §21-4011 of the Code of Laws of South Carolina, 1962 which describes the method of filling vacancies on those boards. This statute provides that vacancies may be filled by special election called pursuant to petitions meeting the requirements of the law. If no petition is filed, this Act provides that the County Board of Education shall fill the vacancy by appointment. Although the provisions for the election of trustees in Act 612 of 1984 differ from those for the election and appointment of trustees in §21-4011, no intention is indicated in Act 612 to alter the provisions for filling vacancies on those boards. Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970); Ops. Atty. Gen., July 12, 1985; Sutherland Statutory Construction, Vol. 2A, §51.02.

If you have any questions, please let me know.

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. Emory Smith, Jr.".

J. Emory Smith, Jr.  
Assistant Attorney General

JESjr/srcj  
Enclosure  
REVIEWED AND APPROVED:

A handwritten signature in dark ink, appearing to read "Frank K. Sloan".

Frank K. Sloan  
Chief Deputy Attorney General

A handwritten signature in dark ink, appearing to read "Robert D. Cook".

Robert D. Cook  
Deputy Attorney General