

1983 WL 181699 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 4, 1983

\*1 Randolph Mardaugh, III

Peters, Murdaugh, Parker, & Detrick  
Post Office Box 457  
Hampton, south Carolina 29924

Dear Mr. Mardaugh:

Your request for an opinion has today been referred to me for reply. You have raised various questions regarding the Act bearing ratification numbers R-311 and R-398.

The Act bearing ratification number 311 was enacted on February 18, 1982, and provided for the composition and method of election of the Hampton County Board of Education. On April 9, 1982, R-398 was enacted. This Act submitted to the electorate a referendum on it the Hampton County Board of Education and the Office of the Hampton County Superintendent of Education should be abolished and their power devolved upon the trustees for Hampton County School Districts Nos. 1 and 2 and whether the Trustees for Hampton County School Districts Nos. 1 and 2 should be effected. The referendum was approved by the electorate and on November 19, 1982, the United States Justice Department withdrew their previous objection to the Act. The Act provides that if the referendum results are favorable, the provisions of the Act will be implemented.

You have asked the following questions:

1. Should an election be held to elect trustees for the Hamton County School Districts Nos. 1 and 2?

Yes. On november 23, 1982, Emory Smith of this Office Issued an Opinion that the Proposed consolidation of the two District Boards by the County Board of Education was of no effect copy enclosed). Therefore, the provisions of R-398 are now in effect and it requires that an election be held for the school trustees.

2. When should such an election be held?

As soon as possible.

3. Should the filing for the respective district boards be reopened?

I assume that pursuant to the Act's provisions, it was anticipated that the election for the school trustees for Districts Nos. 1 and 2 would be conducted in the general election and that notice was given of the filing period and candidates did file within the time period specified by statute. Assuming this to be the case, there is no reason to reopen filing as only the date of the election has changed.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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