

1983 WL 181964 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 2, 1983

*1 Jack M. Scoville, Jr.
Chairman
Georgetown County Election Commission
Post Office Box 583
Georgetown, South Carolina 29440

Dear Jack:

I am in receipt of your recent letter. You have stated that Dr. Schooler was elected to the Georgetown County Board of Education last year. He is expected to be appointed to the State Board of Education in January of 1984. The County Board of Education has set December 6, 1983, as the date for a special election to fill a seat vacated by another member of the Board. The Board would like to hold these elections at the same time. You have inquired when Dr. Schooler would have to resign his seat in order to hold both elections on December 6th.

It has been the prior opinion of this Office that an election cannot be held until after the date of the resignation. 1964-65 Att'y. Gen. Ops. 20. Therefore, Dr. Schooler's resignation would have to be effective before the December 6th election. However, this would not prevent the political parties from conducting primaries or conventions for candidates prior to the date set as the effective date of his resignation. 1964-65 Att'y. Gen. Ops. 20; 1969-70 Att'y. Gen. Ops. 322.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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