

1981 WL 157933 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 26, 1981

\*1 Mr. Howard R. Boozer  
Executive Director  
South Carolina Commission on Higher Education  
Rutledge Building  
1429 Senate Street  
Columbia, South Carolina 29201

Dear Mr. Boozer:

Mr. McLeod has referred your recent letter to me for reply. You have inquired if the nine (9) incumbents presently serving on the Commission on Higher Education may be reappointed when their present term expires in 1982.

Act 410 of 1978 restructured the Commission and provided the procedure for new appointments to be made to the Commission. Section 2 of that Act provides that the eighteen (18) member Commission shall be appointed from the Congressional Districts. This section goes on to provide that [n]o one shall be appointed or nominated from a county which is represented by a member whose term has expired until and unless all other counties have been represented by a resident of each such county on the Commission for a full term.

Pursuant to the information you have provided, it appears that, with the exception of the Fourth Congressional District, not every county in each Congressional District has been represented at this time. Therefore, pursuant to the above-cited provision of the statute, the present members of the Board whose terms expire in 1982, with the exception of the incumbent in the Fourth Congressional District, may not be reappointed in 1982. As each county in the Fourth Congressional District has been represented on the Commission, the incumbent in that District may be reappointed.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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