

1980 WL 121179 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 21, 1980

*1 Joseph H. Earle, Jr., Esquire
Greenville County Attorney
County Courthouse
Greenville, South Carolina 29601

Dear Mr. Earle:

You have asked the opinion of this Office on whether the costs and expenses incurred in elections for the board of trustees of the Greenville County School District should be paid by the School District or Greenville County.

Section 2 of Act Number 737 of the 1976 Acts and Joint Resolutions provides that the Greenville County Election Commission shall conduct and supervise elections for the board of trustees of the School District, prepare the necessary ballots, appoint precinct managers, count ballots, declare results and advertise the dates of the elections. The Act is silent as to what governmental body is responsible for paying the costs and expenses of such elections. Thus, reference must be made to Title 7, Elections, Code of Laws of South Carolina, 1976, as amended. See § 7-1-40.

School districts, pursuant to § 7-13-340, are required to pay for the printing and distribution of ballots used in school district elections. Although there may be some conflict between the provisions of Act Number 737 and § 7-13-340, there is none concerning the requirement in the latter that the School District incur the cost related to the ballot.

The other expenses and costs incurred in elections for the board of trustees of the School District should be governed by § 7-23-40 which states:

The governing bodies of the several counties shall audit and pay all accounts for necessary expenses incurred by the commissioners and managers of election for stationary, the making of election boxes, rents and similar expenses in elections held in this State.

On September 24, 1966, this Office issued an opinion [copy enclosed] interpreting this statute. The opinion concluded that the county should bear the total expense of a local election conducted in the county by the county election commission, in the absence of a statutory provision permitting the local governmental entity involved to bear all or a portion of the expense, e.g., see § 7-13-340 above.

Based on the foregoing, it is the opinion of this Office that the Greenville County School District is responsible for paying the expenses incurred in printing and distributing the ballots in elections for the board of trustees thereof and that Greenville County is responsible for paying the other necessary expenses incurred in conducting such elections. ¹ , ²

Sincerely,

James M. Holly
State Attorney

Footnotes

- 1 Due to the various manners of conducting elections for school boards and districts provided by the General Assembly, this opinion applies only to Greenville County School District elections governed by Act 737 of 1976.
- 2 Your request for an opinion also raised as an issue the constitutionality of requiring Greenville County to utilize its funds for a school district which does not encompass the entire County. This opinion does not reach that issue because all the statutes discussed hereinabove are presumed to be constitutional and because of certain other considerations.

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