

1979 WL 42869 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 16, 1979

***1 Re: School Board Election for Holly Hill School District No. 3**

F. Hall Yarborough, Esquire
Bryant, Fanning & Yarborough
Attorneys at Law
P.O. Box 1265
Orangeburg, S. C. 29115

Dear Mr. Yarborough:

This is in response to your request for an Opinion from this office concerning the conducting of the upcoming elections for school trustees in Holly Hill School District No. 3 in Orangeburg County.

School district trustee elections in Orangeburg County are governed by local or special legislation of the General Assembly. Act 254 of 1957 (R368, H1657), formerly Section 21-3709 of the 1962 Code of Laws of South Carolina, provides for the manner of offering for elections:

Any person desiring to offer for the position of trustee of any district shall file in writing with the county board of education his intention to do so, not less than fifteen days nor more than forty-five days before the time affixed in Section 21-3711 for the holding of the election for the positions.

Act 168 of 1967 (R237, H1567), a special act which amends former Section 21-3711 of the 1962 Code of Laws of South Carolina, provides in section (2):

If persons in excess of the number of positions to be filled give notice of their candidacy as required by Section 21-3709, the trustees to fill the places of the members retiring in such year shall be elected by the qualified voters in the district in a special election held on the second Tuesday in April.

A candidate for a vacancy on the board of trustees must, pursuant to the above sections, file for the position in writing with the county board of education not less than fifteen days nor more than forty-five days before April 9, 1979, the second Tuesday in April. If more candidates given notice of their intention than there are vacancies, as provided, a special election would be held on April 9, 1979.

Please do not hesitate to contact me if I can be of further assistance to you in this matter.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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