

1980 WL 121005 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1980

*1 The Honorable John I. Rogers, III
Representative
District No. 55
Box 47
Bennettsville, South Carolina 29512

Dear Representative Rogers:

Mr. McLeod has referred your letter to me for reply. You have stated that the Marlboro County Chamber of Commerce has requested that a special election be held for the Board of the Marlboro County School District. In regard to this request, you have asked the following questions:

1. Can the State Legislature enact legislation changing the composition, makeup or form of the Marlboro County Board of Education?

Yes. Under [Moye v. Caughman, 265 S.C. 140, 217 S.E. 2d 36 \(1975\)](#), the South Carolina Supreme Court has held that the General Assembly still retains the power to legislate in the area of education.

2. Will single-member districts, for members of the above board, be required or may they run at large or from a combination of the two?

There is no mandatory requirement that single member districts be drawn.

3. May an interim plan be drawn using the 1970 census pending receipt of the 1980 census information?

Yes.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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