

1977 WL 37188 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1977

*1 Dr. Cyril B. Busbee
State Superintendent of Education
Department of Education
Columbia, SC

Dear Dr. Busbee:

On February 16, 1977, I wrote you a letter concerning the filling of the vacancy created by the death of the Lexington County Superintendent of Education. In that letter I stated that the State Board of Education could appoint a person to fill the vacancy until July 1, 1977, which is the date that the County Superintendent's present term of office expired. The purpose of this letter is to respond to the second question you raised as to how a special election to fill the four year term can be called.

There is no statute which directly governs this situation, but it would appear that the proper procedure would be for the Lexington County Board of Education to call for a special election. They could then request the Lexington County Election Commission to conduct this election. Should the Election Commission refuse to conduct the election, the State Board of Education or the Lexington County Board of Education could declare that the previous election was void due to the death of Mr. Harmon and petition the Governor to call a new election under the provisions of Section 23-400.97 of the South Carolina Code of Laws, 1962, as amended.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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