

1977 WL 37346 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1977

\*1 The Honorable Cyril B. Busbee  
State Superintendent of Education  
Retledge Office Building  
Columbia, South Carolina 29201

Dear Dr. Busbee:

Your letter of May 18 requests the advice of this Office as to the procedure that should be followed by the Board of Education in connection with the vacancy in the office of Superintendent of Education for Lexington County which exists by virtue of an appointment made by the State Board of Education under the provisions of Section 21-67 of the Code of Laws, 1962, of an individual to fill the unexpired term of the late Superintendent of Education who died in February 1977.

The term of office of the County Superintendent of Education is fixed by Section 21-66 at four years to run from July 1. The term of office of the late Superintendent of Education for Lexington County would have expired on July 1, 1977. The State Board of Education, pursuant to provisions of Section 21-67, appointed an individual to fill the vacancy occasioned by the death until the expiration of the term on July 1, 1977.

The Lexington County Commissioners of Election have been requested to conduct an election for the vacancy in the office commencing on July 1, 1977, and expiring four years hence, but the Commissioners have stated that, because of the requirements of the election laws of the State, they cannot conduct the election until approximately the latter part of July.

I advise that the interim appointee named by the State Board of Education must continue in office until the election and qualification of her successor and that the election procedure should follow its course with all deliberate speed in accordance with the mandates of the State election laws.

Very truly yours,

Daniel R. McLeod  
Attorney General

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