

1978 WL 35051 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 21, 1978

*1 The Honorable Robert N. McLellan
Box 794
Seneca, SC 29678

Dear Mr. McLellan:

This is in reply to your request for an opinion from this Office whether the General Assembly may by special act require a candidate for the Office of Superintendent of Education of Oconee County to have a Master's degree.

Act 383 of the 1961 Acts and Joint Resolutions, Section 4, provides:

No person shall be eligible to qualify as a candidate who is not a qualified elector of Oconee County and does not have a Master's degree with secondary school administrative experience and teaching experience, the combination of which shall be not less than three years, or a degree from an accredited college with secondary school administrative experience and teaching experience, the combination of which shall be not less than six years. All candidates shall furnish to the commissioners of election or officials responsible for holding a primary an affidavit setting forth their qualifications. Should a candidate furnish an affidavit which reflects that the qualifications are below the minimum provided for by this act, then such candidate's name shall not be placed upon the ballot.

This Act requires a candidate to have either a Master's degree and a combined administrative and teaching experience of three years or a degree from an accredited college and a combined administrative and teaching experience of not less than six years.

The General Assembly may prescribe additional qualifications for offices established only by legislative acts provided such additional qualifications are reasonable in their requirements without violating [Article XVII, § 1A of the South Carolina Constitution \(1895\)](#). [McLure v. McElroy 211 S.C. 106, 44 S.E. 2d 101 \(1947\)](#). It is also the opinion of this Office that Act 383 is not a special act prohibited by Article III, Section 34 and [Article VIII, Section 6 of the South Carolina Constitution \(1895\)](#). [Moye v. Caughman, 265 S.C. 140, 217 S.E. 2d 36 \(1977\)](#).

Based upon the above, it is the opinion of this Office that the General Assembly may by special act impose additional qualifications for candidates for the Office of Superintendent of Education for Oconee, provided such qualifications are reasonable.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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