

1975 WL 29450 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1975

***1 In Re: A Bill relating to school districts in Lexington County to change times of election and terms of trustees**

The Honorable James B. Edwards
Governor
Columbia, South Carolina

Dear Governor Edwards:

A bill has been submitted to you on January 30, 1975, which would amend existing statutes so as to change the dates on which elections for members of boards of trustees of school districts in Lexington County whose terms expire in 1975 shall be held and to extend the terms of such trustees now holding office until August 1. At the present time, terms of office of all trustees commence on the first day of March in the year in which they are appointed or commissioned.

It is my opinion that this bill would provide for an unconstitutional law in that such an act would be in violation of the provisions of Article VIII of the Constitution of this State. It is this type of legislative enactment which that constitutional mandate is designed to prohibit. Legislation of a similar nature was held unconstitutional by the Supreme Court of this State in McElveen v. Stokes.

The authorities upon which the conclusions herein are based are set forth below.

Very truly yours,

Daniel R. McLeod
Attorney General

ATTACHMENT

AN ACT

To Extend the Time for the Calling of Elections of Trustees of School Districts in Lexington County for the Year 1975.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Notwithstanding the provisions of Section 21-3412.1, as amended, and Section 21-3413, as amended, of the 1962 Code, in any school district in Lexington County in which the term of a member of the board of trustees expires in 1975, the County Board of Education shall call for an election during the month of June, 1975, for the purpose of electing a successor to any such member. Trustees elected in 1975 shall take office on August first, and the terms of the trustees whom they succeed shall extend to such date. All other members of the boards of trustees of the school districts in Lexington County shall be elected and take office as provided in Section 21-3412.1, as amended, and Section 21-3413, as amended, of the 1962 Code.

SECTION 2. This act shall take effect upon approval by the Governor.

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