

1975 WL 29463 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1975

*1 The Honorable John Hamilton Smith
Member
House of Representatives
Drawer D
Summerville, South Carolina 29483

Dear John:

Thank you for your letter of January 30, 1975, inquiring if legislation providing for the election of the County Board of Education, thereby changing the method of appointment as now provided by law, can validly be made.

It is my opinion that such a statute would probably be unconstitutional. I reach this conclusion on the basis of Knight v. Salisbury, in which the Supreme Court clearly indicated that no county legislation of this nature affecting only a single county will be favorably considered by it in view of the requirements of Article VIII of the Constitution of this State. I am sure you are familiar with that case and are aware of the fact that it leaves many questions unanswered, but it appears to me that the relief you seek by statute must be adopted by general law. See also [McElveen v. Stokes](#), 240 S.C. 1, 124 S.E.2d 592.

I feel also that such a statute must be submitted to the Department of Justice for its approval or disapproval before its implementation but I am confident that it is not likely to raise an objection.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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