

1975 WL 29551 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 3, 1975

**\*1 Re: No. 311—State Department of Education**

Honorable Cyril B. Busbee  
State Superintendent of Education  
1429 Senate Street  
Columbia, South Carolina

Dear Mr. Busbee:

You have requested that we advise you from which county in the Second Judicial Circuit the next member of the State Board of Education must be chosen. Section 21-41 of the South Carolina Code of Laws, as amended, provides in part:

...

Representation of a given judicial circuit on the State Board of Education shall be rotated among the counties of the circuit, except by unanimous consent of all members of the county legislative delegations from the circuit. . . .

The counties comprising the Second Judicial Circuit are Aiken, Bamberg and Barnwell. CODE OF LAWS OF SOUTH CAROLINA § 15-261, as amended. The sequence of rotation established for the Second Judicial Circuit is as follows: Barnwell, Aiken and Bamberg. See, Attachment to Letter from M. Judson Busbee to Cyril B. Busbee, January 31, 1975.

Thomas R. Jackson of Barnwell County served on the Board from January 1, 1964, until December 31, 1971, a period of seven years. He apparently served a second term by unanimous consent of all members of the circuit's county delegations. Jackson was succeeded by J. P. Kneece of Aiken County, whose term began on January 1, 1971, and will terminate on December 31, 1975.

The word 'rotate' means to proceed in a fixed routine of succession. See, THE AMERICAN COLLEGE DICTIONARY at 1056. The 'fixed routine of succession' in the Second Judicial Circuit is, as we have stated, Barnwell, Aiken and Bamberg. Our opinion, therefore, is that the next member of the State Board of Education must reside in Bamberg County, unless, by unanimous consent, the county delegations of the Second Judicial Circuit decide to proceed otherwise. Best wishes,

C. Tolbert Goolsby, Jr.

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