

1974 WL 27491 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 24, 1974

*1 Honorable H. O. Carter
County Manager
Edgefield County Council
P. O. Box 146
Edgefield, South Carolina 29824

Dear Mr. Carter:

This is in reply to your letter of October 17, concerning the filling of a vacancy on the Board of Trustees of the Edgefield County School District.

As far as we can ascertain there is no provision for the appointment of an interim trustee contained in 1974 Acts 2996 (R1531). The Act does state that in the event of a vacancy the position shall be filled for the unexpired term at the next election.

In an Opinion (1971 Op.A.G. 325) concerning this point, Attorney General McLeod stated that in the event no provision for the filling of a vacancy exists then the Governor has the authority to fill the vacancy pursuant to Section 1-122, 1962 Code of Laws. It would seem that this authority would extend to filling the vacancy for the interim notwithstanding the provision for filling the vacancy at the next election. Section 1-122(2), 1962 Code of Laws reads in pertinent part:

'The following officers shall be appointed by the Governor in addition to those for whose appointment by the Governor provision is elsewhere made in this Code:

(2) An officer to fill any vacancy in a county office. The person so appointed shall hold office, in all cases in which the office is elective, until the next general election and until his successor shall qualify; . . .

A trustee of a county school board is a county officer according to the Attorney General's Opinion. Being such, the appointment of the interim successor lies with the Governor.

If we may be of further assistance to you or the Board, please advise us.

Yours truly,

Cameron B. Littlejohn, Jr.
Law Clerk

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