

1973 WL 26829 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 3, 1973

***1 Re: Saluda School District Trustees**

Honorable John D. Long, III
Senator
District 5
Box 266
Union, South Carolina

Dear Senator Long:

In answer to your request for an opinion regarding the current legal status of the Saluda School District No. 1 Board of Trustees. subsequent to the rulings of Judge Hemphill and the objection of the United States Justice Department under the Voting Rights Act relating to the creation of Saluda School District No. 4, I am of the opinion that the three Trustees on the District 1 Board from the Hollywood voting area who originally left to serve on the Hollywood (District 4) Board, are still members of the District 1 Board, unless their terms have expired. If their terms have expired, any successor would have to have been elected county wide or any vacancy would have to have been filled by appointment of the Governor pursuant to the provisions of Section 21-3952, Code of Laws of South Carolina, as amended. The basis for this opinion is that the 1972 Act 1244 or any administrative action creating this new school district (electoral unit) or elected Board of Trustees, could not be implemented until approved as required by the Voting Rights Act. Furthermore, if the terms of any of the three original Hollywood Trustees expired during the interim, any successor would have to have been elected at large by the County as a whole in order to comply with the requirements of Section 21-3952; and, if such is not the case, the position(s) should be considered vacant and therefore filled by appointment of the Governor as prescribed in the aforementioned section.

Please contact me if I can provide any further assistance.

Very sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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