

1979 WL 42940 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 18, 1979

*1 L. Paul Barnes

Election Commission of Spartanburg County
Room 178, County Court House
Spartanburg, SC 29301

Dear Mr. Barnes:

Mr. McLeod has referred your recent letter to me for reply. You have inquired if the term 'public service district' as used in South Carolina Code of Laws (1976), Section 7-11-71 may be construed to mean a school district.

Section 7-11-71 states in part that

. . . petitions to nominate candidates elected in the general election to serve as commissioners of public service districts shall require signatures of not less than two hundred fifty qualified electors . . . (emphasis added)

Though there is no statutory definition of a public service district, it is not generally construed as including a school district. This interpretation is supported by the language of the statute which states that these petitions are for candidates for the commissioners of public school districts. Persons being elected to school district offices, of course, are not referred to as commissioners. Additionally, Section 7-13-340 which concerns the printing of ballots states that [t]he terms 'municipal' and 'municipalities' as used in this section shall be construed to include school districts, public service districts and like political subdivisions.

By the terms of this statute, school districts and public service districts are considered to be two separate entities. Section 7-11-71, speaks only of public service districts. Therefore, persons running for offices in school districts would not come within the provisions of Section 7-11-71.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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