

1976 WL 30457 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 7, 1976

***1 Re: Bill Amending §§ 21-4079 and 21-4080, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended**

Representative David F. McInnis
State House
Columbia, South Carolina

Dear Representative McInnis:

You have requested an opinion from this Office regarding the constitutionality of a bill which, if enacted, will provide for the election of six members of the board of trustees of School District No. 2 of Sumter County from the County at large and for the appointment of one member thereof by the Governor from the County at large. The bill further provides that at least three members are to reside in designated residency districts.

The proposed legislation is not violative of Article VIII, Section 7 or of Article III, Section 34, subdivision ix of the South Carolina Constitution. See, [Moye v. Caughman](#), 265 S.C. 140, 217 S.E.2d 36 (1975). Moreover, the use of residency districts, even if unequally populated, does not violate the 'one man-one vote' principle since the six elective board members are elected from the County at large. See, [Dallas County Alabama v. Reese](#), 421 U.S. 477 (1974). Finally, the requirement that one board member be appointed by the Governor from the County at Large is not, in my opinion, constitutionally infirm. The United States Supreme Court has said that local non-legislative officials may 'be chosen by the governor, by the legislature or by some other appointive means rather than by an election.' [Sailors v. Board of Education](#), 387 U.S. 105 at 108 (1967).

The proposed legislation, therefore, appears to be constitutional.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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