

1978 WL 34997 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 25, 1978

\*1 Thomas O. Lawton, Jr., Esquire  
Allendale County Attorney  
P. O. Box 646  
Allendale, SC 29810

Dear Tom:

Mr. McLeod has referred your recent letter to me for reply. You have inquired how candidates would be nominated for ballot position for the Allendale County Board of Education in light of the 1978 Act bearing ratification number 417 which amended Act 272 of 1977.

Act 272 of 1977 consisted of two sections. The second section stated that in the initial election the nomination of candidates would be only by petition. The 1978 Act changed section 1 of the 1977 Act to reduce the membership of the board from seven to five and to have them elected from the election districts for county council. There is no provision in either Act for how the candidates will be nominated after the first election. The Act speaks in terms of the election being conducted at the time of the general election for four year terms. Therefore, it would appear that in lieu of a statutory requirement, that general election laws would apply and a candidate for County Board of Education could be nominated by primary, convention or petition.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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