

1978 WL 35059 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1978

\*1 Mr. John R. Justice  
Chester County Attorney  
P. O. Box 728  
Chester, SC 29706

Dear Mr. Justice:

Your recent letter has been referred to me for reply. You have stated that a recent Act bearing ratification number 812 was enacted by the General Assembly and made various changes in the law concerning the election procedure for the Chester County School Board. You have inquired if the Act altered the method of election from at large election from defined election districts.

The only other Act concerning the county school board election is found in the 1966 Acts and Joint Resolutions, Act 826 [1966 (54) 2140]. This Act states in part that

[t]he central authority of Chester County's public education system shall be a board of trustees, which shall be composed of ten members, who shall be residents of the specific areas of the County as follows, but who shall be elected at large by the qualified electors of the county . . . four from Chester Township; two from Rossville Township; and two from Lewisville and Landsford Townships; and two from Blackstone, Hazelwood, Halsellville and Baton Rouge Townships.

The 1978 Act bearing ratification number 812 states that

[n]otwithstanding any other provision of law the members of the Chester County School Board of Trustees shall be elected in a nonpartisan election to be held at the time of the 1978 general election. A candidate may qualify to have his name placed in the ballot by petition as provided by law. Members of the school board elected in 1978 shall serve for a term of two years only or until their successors are elected and qualify. Thereafter, the members shall serve for a term of four years or until their successors are elected and qualified.

Section two of the Act deals with a referendum to be held at the time of the general election to determine if the people of Chester County would prefer to elect members of the school district at large without residency requirements or from single member districts.

It would appear, therefore, that the effect of the 1978 Act would be to allow the school board election to be nonpartisan and that the persons elected in 1978 will only have a two year term. It would not alter the requirements of the 1966 Act that the candidates be elected at large from defined election districts.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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