

1978 WL 35250 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 1, 1978

\*1 Samuel H. Hendrix  
Chairman  
Registration & Elections Commission  
219 E. Main Street  
Room 115  
Lexington, SC 29072

Dear Mr. Hendrix:

Mr. McLeod has referred your recent letter to me for reply. You have asked the following questions:

(1) 'Shall The County Commissioners of Election conduct and supervise all Elections for Members of The Board of Trustees of the respective School Districts of Lexington County?'

In 1978, an Act bearing ratification number 736 was passed which abolished the office of Superintendent of Education in Lexington County and devolved almost all of his duties upon the boards of trustees. One of the duties that was devolved was the requirement that the Superintendent of Education conduct the election for school trustees. Section 21-3412 as last amended in 1974 (Act No. 1181) stated that the county board of education shall order the election and canvass the results. The county superintendent of education should prepare the ballots, name the managers and designate the polling places. These duties would now be devolved upon the boards of trustees. Therefore, the County Election Commission would not conduct the election for the members of the boards of trustees.

(2) 'The Commissioners shall advertise the date of such Election at least once each week for four successive weeks preceding the Election in All daily newspapers of general circulation published in Lexington County.' Act-R703 effective July, 1, 1978 amends the Code of Laws of South Carolina by adding Section 7-13-35, so as to provide for Notices of General and Special Elections.

I am of the opinion, that The Board of Trustees Election would come under the category of Special Elections. Therefore: I would like an opinion as to which Act (R736, or R703) takes precedence for notices of The Boards of Trustees.

The provisions governing election to the county board of education as set out in R736 do not apply to the election of the school board trustees. I have not found any legislation concerning required notice for trustee elections and, therefore, the trustee elections would be subject to the provisions of South Carolina Code of Laws, 1976, Section 7-13-35 which requires sixty (60) days notice.

(3) Regarding the Submission under Voting Rights Act-R736, July 24, 1978. I request the status of the Act.

This Act was approved by the Justice Department on September 20, 1978.

Very truly yours,

Treva G. Ashworth  
Assistant Attorney General

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