

1984 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-29, 1984 WL 159836

Office of the Attorney General

State of South Carolina

Opinion No. 84-29

March 16, 1984

\*1 S. Jahue Moore, Esquire  
Granby Law Building  
1700 Sunset Boulevard  
P. O. Box 5709  
West Columbia, South Carolina 29171

Dear Mr. Moore:

Mr. Medlock has referred your recent letter to me. You have stated that the Irmo Town Council is presently elected every two years. The council would like to change the terms to four year terms and stagger the terms. You have stated in your opinion they may do this by ordinance. I agree.

South Carolina Code of Laws, 1976, as amended, Section 5-15-40 provides in part that [t]he mayor and councilmen of each municipality shall be elected for terms of two or four years Unless otherwise provided by ordinance, four-year terms shall be set so that not more than one-half of the council and mayor shall be elected in the same general election. [Emphasis added].

I am also enclosing a prior opinion of this Office, 1976-77 Op. Atty. Gen., No. 77-25, p. 31 which also reached this same conclusion. If you should change the term of office or stagger the terms, this change would, of course, have to be pre-cleared pursuant to the provisions of the Voting Rights Act.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

1984 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-29, 1984 WL 159836

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.