

1980 WL 120629 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 28, 1980

\*1 Mrs. Beverly T. Craven  
360 Betsy Road  
Charleston, South Carolina 29407

Dear Mrs. Craven:

You have recently asked this Office for its opinion concerning whether you are ineligible for appointment to a second full term as a member of the South Carolina Commission on Women since you filled an unexpired term prior to your first appointment to a four year term in 1976. For the reasons given below, it is the opinion of this office that your prior tenure in office does not render you ineligible for appointment to another term.

[Section 1-15-10, 1976, Code of Laws of South Carolina](#), as amended, provides for the appointment of Commission members to fill staggered terms of office. This statute additionally provides:

Members of the Commission shall serve for terms of four years . . . Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. No member shall be eligible to serve more than two consecutive terms.

The terms 'term of office' and 'tenure of an officer' are distinct terms. [Heyward v. Long](#), 178 S.C. 351, 376, 183 S.E. 145 (1935). See also, [Barber v. Blue](#), 417 P.2d 401, 52 Cal. Rptr. 865, 65 C.2d 185 (1966). The phrase 'term of office' connotes a fixed and definite period of time. See 63 Am.Jur.2d § 145, Public Officers and Employees, p. 718; and 67 C.J.S. § 66, Officers, p. 372. 'Tenure of an officer' refers generally to the time period and manner in which an office is held, 67 C.J.S. at 375. Accordingly, an individual may occupy an office without serving for a term of office within the meaning of a statute. This circumstance may occur when one officer fills the unexpired term of another. While an old South Carolina Supreme Court case holds that an officer's term of office runs from the day of his appointment,<sup>a</sup> the Court at that time was not faced with the issue of whether the officer had served for a term of office. The date on which an officer is appointed reflects the commencement of his tenure in office; such date may or may not coincide with the beginning of a term of office.

One rule of statutory construction is that if language is plain and unambiguous, it must be given effect. [Duckworth v. Cameron](#), 270 S.C. 647, 244 S.E.2d 217 (1978) and [Green v. Zimmerman](#), 269 S.C. 535, 238 S.E.2d 323 (1977). Thus the length of a term of office for a Commission member is four years. Another rule of statutory construction is that every word and clause of a statute must be given effect. [Adams v. Clarendon County School District No. 2](#), 270 S.C. 266, 241 S.E.2d 897 (1978); and [Bradford v. Byrnes](#), 221 S.C. 255, 70 S.E.2d 228 (1952). Thus, a prohibition of individuals serving 'more than two consecutive terms' means that an individual cannot be appointed to serve in two consecutive four year periods of time. 'An appointment to fill (a) vacancy can be only for the unexpired portion, and the successor does not serve an independent term of his own.' 67 C.J.S. § 79, Officers, at 395. Thus, any prior occupation of an unexpired term does not constitute an independent service of a term by a successor.

\*2 In conclusion, since you have served only one four year term, you are not rendered ineligible to serve another four year term by your having filled the unexpired term of another commission member.

Sincerely,

Barbara J. Hamilton

State Attorney

Footnotes

- a [Verner v. Seibels, 60 S.C. 572, 39 S.E. 274 \(1901\)](#). (The issue in this case was whether a term began on the date of the appointment of an officer or on the date of the receipt of his commission).

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