

1983 WL 181984 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 31, 1983

*1 John W. Still

Greenwood County Councilman

Greenwood County Courthouse

Greenwood, South Carolina 29646

Dear Councilman Still:

I am in receipt of your letter in which you have inquired if a municipality that desires to change the term of office of the mayor and council must hold a referendum election on this proposed change.

As you point out SOUTH CAROLINA CODE OF LAWS, 1976, as amended, Section 4-9-90, requires a referendum on a change of terms. However, there is no similar provision in the municipal provisions of home rule. Section 5-15-40, as amended, provides 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 . . .

Therefore, the law does not require a referendum to be held to change the term of office of the mayor and council.

If you have any further questions regarding this issue, you may want to consult your county attorney.

Sincerely,

Treva G. Ashworth

Senior Assistant Attorney General

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