

1980 WL 120908 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 3, 1980

\*1 John P. Henry, Esquire  
Horry County Attorney  
Post Office Box 1533  
Conway, South Carolina 29526

Dear Mr. Henry:

In response to your request for an opinion from this Office as to the date upon which the members of the Horry County Council who are elected during the November 4, 1980, general election take office, my opinion is that the date is January 1, 1981, pursuant to the following language of [Section 4-9-610, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended:

. . . Council members [in the council-administrator form] shall be elected in the general election for terms of two or four years commencing on the first of January next following their election.

In [Horry County v. Cooke, 275 S.C. 19, 267 S.E.2d 82 \(1980\)](#), the South Carolina Supreme Court upheld the 1980 special legislation prescribing the method of election and stated that ‘Horry County may proceed pursuant to said acts to form its initial county government’ [Slip Op. at 6]. The 1980 acts prescribe that county council members are to be elected from single member election districts designated therein but does not attempt to alter the commencement date specified in the general law provisions of [Section 4-9-610](#), nor could it validly do so.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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