

1977 WL 37331 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1977

*1 Honorable Earle E. Morris, Jr.
Comptroller General
Post Office Box 11228
Columbia, South Carolina 29211

Dear Mr. Morris:

You have requested an opinion from this Office as to the date on which the candidate for the office of Horry County Auditor who was elected in the November, 1976 general election is to begin his four-year term. In my opinion, his term begins at the expiration of the term of the present Auditor which I understand to be June 30, 1977. Although Section 14-301, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provides in part that:

[t]he time for the commencement of the terms of office of the various county officers shall be the first Tuesday in January next after their election;

the provisions of Act No. 283 of 1975, the 'home rule' legislation, specifically set forth that county auditors 'serving unexpired terms when a form of government . . . is adopted by a particular county shall continue to serve until successors are elected and qualify.' § 14-3703.3, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum.Supp.). In my opinion, this last-quoted language authorizes the present Horry County Auditor to remain in office until the expiration of his term at which time the four-year term of the elected auditor will begin.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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