

1979 WL 43140 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 29, 1979

**\*1 SUBJECT: Courts, Judges, Officers**

The terms of office for circuit judges elected after January 1, 1977, shall commence on July first of the year in which they are elected. The term of office is fixed at six years unless the judge is filling a vacancy, in which event he serves the unexpired term of his predecessor.

L. Edmund Atwater, III  
Director  
Court Administration

QUESTION PRESENTED:

When do the terms of office for Circuit Judges commence and end?

CITATIONS OF AUTHORITY:

[Article V, Sections 9 and 14, South Carolina Constitution](#)

[Section 14-5-110, Code of Laws of South Carolina](#), 1976, as amended.

DISCUSSION:

[Section 14-5-110 of the South Carolina Code](#) of Laws, 1976, as amended by Act No. 62 of 1977, provides that the terms of office of circuit judges elected after January 1, 1977, shall commence as of July first of the year in which they are elected. Moreover, the terms of office for circuit judges are fixed at six years by [Article V, Section 9 of the South Carolina Constitution](#). Therefore, when [Section 14-5-110](#) is fully implemented, terms of office will begin and end on specific statutory dates, *i.e.*, July 1 of the year elected and end on June 30 six years later. Obviously, the terms of offices for judges elected prior to January 1, 1977, will not follow this statutory scheme as set forth in [Section 14-5-110](#) and may terminate before or after the specific statutory date. If the incumbent judge's term expires before July 1, 1977, his successor shall still take office on July first of the year of his election. If the incumbent judge's term expires after July 1, then the new judge shall take office upon qualification after the expiration of his predecessor's term, but his term of office shall nevertheless have commenced on July first of the year of his election, and he shall only serve the remaining period of that term.

In instances where circuit judges are appointed or elected to fill a vacancy in office, they shall take office on the date of qualification and shall serve the remainder of the unexpired term.

CONCLUSION:

All circuit judges elected after January 1, 1977, shall commence their terms of office on July first of the year of their election. Their terms of office are constitutionally fixed at six years.

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