

1978 WL 35153 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 5, 1978

*1 John H. Williams, Esquire
Attorney at Law
Post Office Box 463
Aiken, South Carolina 29801

Dear Mr. Williams:

You have requested an opinion from this Office as to the date upon which the terms of office of the three members of the Aiken County Council who presently serve as such by virtue of [Section 4-9-10\(e\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, expire. I agree with you that their terms of office expire on November 8, 1978.

[Section 4-9-10\(e\) of the Code](#) provides:

All members of the governing bodies of the respective counties serving terms of office on the date on which a particular form of county government becomes effective shall continue to serve the terms for which they were elected or appointed and until their successors are elected or appointed and have qualified.

I understand from your letter that at the time the council-administrator form of county government became effective in Aiken County, the three 'hold-over' Council members were serving four-year terms pursuant to the provisions of Act No. 1078 of 1972 [57 STAT. 2249 (1972)] and that those terms commenced on November 8, 1974. Those four-year terms should expire on November 8, 1978, in the absence of any legislation continuing them beyond that date. The only language which, arguably, could be construed to continue them beyond that date is the phrase 'and until their successors are elected or appointed and have qualified,' which appears in [Section 4-9-10\(e\) of the Code](#) hereinabove quoted. In my opinion, however, that phrase does not apply to the three 'hold-over' Council members because they have no successors since their positions do not continue beyond the expiration of their particular terms of office.

I am enclosing copies of three earlier opinions which concern the matter which you have raised.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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