

1975 S.C. Op. Atty. Gen. 226 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4163, 1975 WL 22458

Office of the Attorney General

State of South Carolina

Opinion No. 4163

October 24, 1975

*1 James Fields, Esquire
Research Assistant
Senate Judiciary Committee
State House
Columbia, South Carolina

Dear Jim:

You have requested an opinion from this office as to whether or not the members of the board of commissioners provided for in Article 6 of Act No. 283 of 1975, the 'home rule' legislation, are to be elected pursuant to that Article irrespective of which of the two methods of selection provided for in Section 14-3701 of that Act is employed.

Section 14-3785.1 of the Act clearly manifests that the members of the board of commissioners are to be elected officials, to wit:

. . . Method of election and terms of office of either two years or four years for the supervisor and the board of commissioners shall be as the General Assembly shall provide. . . . In the event terms for commission members are established for four years, terms of office shall be staggered so that not more than one-half of the board of commissioners shall be elected at any single general election except the initial election at which time one-half of the membership shall be elected for two years only.

Terms shall commence on the Monday following their election. . . . [Emphasis added.]

This result obtains regardless of whether the board of commissioners form is selected by referendum pursuant to Section 14-3701(a) or by failure to hold a referendum prior to July 1, 1976, pursuant to Section 14-3701(b). The fact that the members of boards of commissioners in some counties are presently appointed [see, e.g., § 14-2801, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended] does not mean that the members of the new board of commissioners form provided for by Article 6 of Act No. 283 are to be appointed if that form becomes effective in a particular county pursuant to Section 14-3701(b).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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