

1974 S.C. Op. Atty. Gen. 178 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3797, 1974 WL 21304

Office of the Attorney General

State of South Carolina

Opinion No. 3797

June 10, 1974

*1 Honorable Edward E. Saleeby
State Senator

Honorable A. Lee Chandler
Member
House of Representatives
Darlington County
Darlington, South Carolina

Gentlemen:

You have requested the opinion of this Office as to whether the County Manager for Darlington County will continue to hold the office he now occupies after the expiration of his term and in the absence of the appointment and qualification of a successor.

It is my opinion that the County Manager will continue to hold office until his successor has been appointed and has qualified. This conclusion is based upon the authorities set forth below and, in particular, the case of Langford v. State Board of Fisheries, in which the Supreme Court of South Carolina stated:

‘Apart from any constitutional or statutory regulation on the subject, there seems to be a general rule that an incumbent of an office will hold over after the conclusion of his term until the election and qualification of a successor—.’

The County Manager of Darlington County is appointed by the Governor upon recommendation of a majority of the County Legislative Delegation, including the Senator, for a term of two years, such term to begin on July 1 of the year of appointment. Section 14-1667.1, Code of Laws, 1962, as amended. The position of County Manager in Darlington County would, in my opinion, stand in the same legal position as the position of Inspector of the Board of Fisheries which was considered in the Langford case and which was held subject to the above stated rule. The law will not countenance an interregnum in the process of government and this is the basis of the recognition in this State of the legal principle that one who holds an office will hold over with the same duties, powers and responsibilities until his successor has been named and has qualified.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1974 S.C. Op. Atty. Gen. 178 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3797, 1974 WL 21304