

1974 WL 27477 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 10, 1974

*1 Honorable Henry Robinson
Councilman
Town of Port Royal
Port Royal, South Carolina

Dear Mr. Robinson:

Your letter addressed to the Honorable John C. West, Governor of South Carolina, has been forwarded to this office for reply. In your letter you stated that a previous letter had been sent to this office. This letter has apparently been misplaced and we, therefore, apologize for the delay in answering your letter. Your basic question appears to be if the term of the council which was serving when the Uniform Municipal Election Law was adopted would be extended until an election could be held under its requirements of elections an odd-numbered years.

Section 47-57.17 states in part that 'once adopted the provisions hereof shall apply to all subsequent elections for mayor and councilmen of the municipality.' Therefore, the clear intent of the provision would appear to require the present council members to continue serving until such time as an election can be held under its provisions. If you so desire, a declaratory judgment could be sought in order to have the court issue a definitive opinion on this question.

Sincerely,

Treva Askworth
Assistant Attorney General

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