

1976 WL 30784 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
June 18, 1976

*1 Mr. Bo Shetterly
S. C. Association of Counties
1227 Main Street
Columbia, South Carolina 29201

Dear Mr. Shetterly:

You have requested an opinion from this office as to when county treasurers and auditors are to be elected and are to assume their respective offices pursuant to Act No. 283 of 1975, the 'home rule' legislation.

SECTION 3, subsection 2 of the Act provides that each county council shall:

(2) Provide by ordinance for the election of county treasurers and auditors as their appointed or elected terms expire . . . (Emphasis added.)

SECTION 4 of the Act provides in part as follows:

Auditors and treasurers shall be elected in the general election for terms of four years under all forms of government, except the council-manager form, . . . (Emphasis added.)

Applying the above quoted provisions of the Act to the question which you have posed, my opinion is that those counties whose treasurers' and auditors' terms of office will expire within the year must elect treasurers and auditors in the general election scheduled for November 2, 1976, if those counties operate under any but the council-manager form of government.

Those treasurers and auditors who are elected at the upcoming general election will take office at the expiration of the terms of the present treasurers and auditors.

With kind personal regards,

Karen LeCraft Henderson
Assistant Attorney General

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