

1976 WL 30898 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 15, 1976

*1 John Roy Harper II
Attorney and Counselor at Law
Post Office Box 843
Columbia, South Carolina 29202

Dear Mr. Harper:

You have requested an opinion from this Office as to whether or not the terms of the members of the Rithland County Council under the council-administrator form of government commence on the date specified by the provisions of Act No. 283 of 1975, the 'home rule' legislation, or on the date that the members take their oath of office, assuming that the latter date is different from the first one. In my opinion, their terms commence on January 1, 1977, pursuant to Section 14-3740, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.).

The authorities state:

The term of office begins from the time, if any, fixed by law, not necessarily from the date of appointment or qualification.

Since an elective officer has title to his office from the people, not from the executive commission or other formality, his term may begin, notwithstanding his failure to receive a commission. 67 C.J.S. Officers § 45 at 199.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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