

1973 WL 26656 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 12, 1973

**\*1 Re: No. 80—Election—Municipal Jackson, South Carolina**

Mayor and Town Councilmen  
Jackson, South Carolina 29331

Gentlemen:

In answer to your request for an opinion on the terms of Mayor and Councilmen as they are currently established under South Carolina law, I am of the opinion that the terms for Mayor and Councilmen in Jackson are for two years. (See: § 47-311, Code of Laws of South Carolina) It does not appear that the Uniform Municipal Election Law (§ 47-57.11 through 47-57.17) has been adopted by ordinance in Jackson changing the terms to four years with staggered terms for councilmen. In the election of May, 1973, the positions of Mayor and all councilmen would be up for election for the terms of two years.

Some reference has been made to three readings (October 20, 1969; October 27, 1969; and November 3, 1969) of an ordinance to change the terms from two years to four years and staggered terms of the councilmen, but such ordinance would be superseded by § 47-311, since an ordinance cannot amend or repeal a statute except by expressed statutory authority.

Another reference was made to a reading of an ordinance on January 18, 1971 adopting the Uniform Municipal Election Law, but there is evidence of only one reading—not the three readings required in order to adopt this law, which authorizes its adoption by ordinance. (The three readings in 1969 cannot be considered an adoption of this Uniform Municipal Election Law since this law was later introduced and enacted in 1970).

In conclusion, therefore, I am of the opinion that the Uniform Municipal Election Law has not been adopted by Jackson and that the election in 1973 will be for all positions—Mayor and six Councilmen—with all persons elected serving two-year terms.

Please contact me if I can be of further assistance.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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