

1984 WL 249995 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 24, 1984

*1 The Honorable M. E. McDonald
Senator
District No. 1
Office No. 2
Route 2
Box 25
Iva, South Carolina 29655

Dear Senator McDonald:

You have requested the advice of this Office on how to fill a vacancy on the governing body of the Homeland Park Water and Sewerage District, which is located in Anderson County. You advised that all vacancies on the governing body were filled in an election in May 1984, but one of those elected has resigned. You have asked whether any one of three ways to fill the vacancy could be used: (1) to hold a new election; (2) to have the losing candidate with the next highest number of votes from the May election move up; or (3) to have the Governor appoint someone to fill the vacancy.

We would advise that the procedure to fill a vacancy on the governing body of the Homeland Park Water and Sewerage District is governed by Section 1 of Act No. 922, 1952 Acts and Joint Resolutions, amending Section 3(A) of Act No. 1101 of 1950. In pertinent part, the new Section 3(A) provides:

Any vacancy occurring shall be filled by appointment by the Governor, upon the recommendation of the legislative delegation, including the Senator, for the unexpired term.

Clearly, the Governor would appoint someone to fill the vacancy. This person need not be the losing candidate with the next highest number of votes from the May election, as was suggested in our telephone conversation.

I hope this information will be helpful to you. Please advise us if you need additional assistance or clarification.

Sincerely,

Patricia D. Petway
Assistant Attorney General

1984 WL 249995 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.