

1981 WL 158229 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 8, 1981

\*1 Honorable Jarvis Klapman  
South Carolina House of Representatives  
420-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Klapman:

You have asked how a vacancy on the Board of Social Services should be filled if the General Assembly is in session.

Pursuant to [§ 43-1-20, Code of Laws of South-Carolina](#) (1976, as amended), the Board of Social Services consists of seven members, one from each congressional district and one at large, who serves as chairman. All members are elected by the General Assembly.

The portion of [§ 43-1-20](#) that deals with vacancies on the Board states:

In case of any vacancy by death, resignation or otherwise in the office of the chairman or member from any district, the Governor shall appoint a successor to serve only for the unexpired term.

The statute does not differentiate between vacancies that occur while the General Assembly is in session and those that occur while the General Assembly is not in session. Rather, this procedure is applicable for all vacancies that occur.

Accordingly, it is the opinion of this office that when any vacancy occurs on the Board of Social Services, regardless of whether the General Assembly is in session, the Governor shall appoint a successor for the unexpired term.

Very truly yours,

James W. Johnson, Jr.  
Assistant Attorney General

1981 WL 158229 (S.C.A.G.)