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# The State of South Carolina



## Office of the Attorney General

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September 17, 1992

The Honorable D. N. Holt, Jr., Chairman  
Joint Charleston County Legislative Delegation  
2 Courthouse Square, Room 307  
Charleston, South Carolina 29401

Dear Representative Holt:

By your letter of September 3, 1992, you have advised that a vacancy exists on the South Carolina Coastal Council due to a resignation. An individual must be appointed to represent the First Congressional District for a term expiring in July 1993. Due to reapportionment, you have asked whether applicants should be sought from the old first district or the newly apportioned district.

Membership on the Coastal Council is provided for in S.C. Code Ann. § 48-39-40. The members representing the state's congressional districts are "to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district ... ." S.C. Code Ann. § 48-39-40(A). Subsection (B) specifies that vacancies are to be "filled in the original manner of selection for the remainder of the unexpired term."

As to filling vacancies on the South Carolina Wildlife and Marine Resources Commission, considering the newly reapportioned congressional districts, this Office advised by an opinion dated May 29, 1992: "As appointments expire or vacancies occur after the new members of congress are elected and take office, replacements would be made for new terms or the unexpired term of the vacated officer as appropriate under the new [reapportionment] plan." A copy of this opinion is enclosed.

Applying the foregoing to your question, we observe that the newly drawn congressional district lines do not become fully operational until after the November general election, when the newly-elected congressmen take office. Had there not been a vacancy

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due to resignation, the Coastal Council member would have served his entire term under the old apportionment plan. The vacancy presently exists rather than occurring after the new congressional district lines have become fully operational. For these reasons, it is our opinion that the applicants should be sought from the First Congressional District as it presently exists.

We trust that the foregoing has adequately responded to your inquiry. Please advise if clarification or additional assistance should be needed.

With kindest regards, I am


Sincerely,



Patricia D. Petway  
Assistant Attorney General

PDP/an  
Enclosure

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Executive Assistant for Opinions