

EXECUTIVE ORDER NO. 99-28

WHEREAS, Nathaniel Bess, Mayor of the Lynchburg, has been indicted by the State Grand Jury, September 21, 1998, on one count of fraudulently and intentionally appropriating or converting to his own use or benefit public funds from Lynchburg-Elliot Child Care Center, in violation of Section 16-13-210(1), South Carolina Code of Laws (1976), as amended; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides that "upon indictment by a grand jury or, upon the waiver of such indictment if permitted by law, the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted;" and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides "when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result."

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby:

- a. Suspend Nathaniel Bess from the office of Mayor of Lynchburg;
- b. Appoint Mr. Billy Keith Phillips, Sr., of Lynchburg as Mayor of Lynchburg pursuant to Article VI, Section 8, of the South Carolina Constitution, to serve until he is replaced as provided by law or Nathaniel Bess is acquitted of the charges against him in the indictment, whichever first occurs;
- c. Order that a municipal election be held in Lynchburg, for such offices as are due to be filled as provided by law, on September 14, 1999, or at the earliest possible date and time after September 14, 1999, as is permitted by the United States Department of Justice; and
- d. Designate the Executive Director of the State Election Commission to perform the necessary official duties pertaining to the election and to declare the result, and grant him the authority to designate such other officials to assist him as he deems necessary in carrying out the directives of this Executive Order.
- e. The terms of this Executive Order shall supersede the terms of Executive Order 99-24.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 10th DAY OF JUNE, 1999.

JIM HODGES
Governor

Last Updated: Tuesday, July 7, 2009 at 11:20 A.M.