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Executive order no. 2022-22

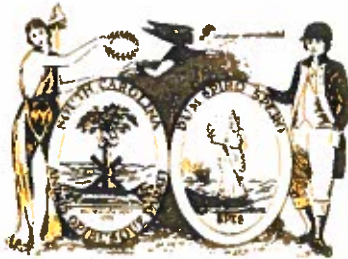
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State of South Carolina
Executive Department

FILED

JUL 19 2022

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2022-22

WHEREAS, the undersigned has been notified that there presently exists a vacancy on Kershaw County Council, in the office and seat representing District Five, due to the resignation of David Snodgrass; and

WHEREAS, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring on the governing body of a county are generally "filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election"; and

WHEREAS, a general election for the aforementioned office is scheduled to be held on November 8, 2022; and

WHEREAS, the Kershaw County Board of Elections and Voter Registration has confirmed that Brantly Tomlinson, who prevailed in a primary run-off election conducted on June 28, 2022, is the only candidate in the aforementioned general election for the office and seat representing District Five on Kershaw County Council; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office and seat representing District Five on Kershaw County Council such that the residents thereof will be without representation on Kershaw County Council pending the results of the November 8, 2022 general election, which is now uncontested, and qualification of a successor to serve as a member of Kershaw County Council for the term prescribed by law, which shall commence on January 3, 2023, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve in such office pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as a member of Kershaw County Council, in the office in the office and seat representing District Five, until a successor shall qualify as provided by law, *see Op. Att'y Gen.*, 1996 WL 599395, at *1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Brantly Tomlinson, of Camden, South Carolina, is a fit and proper person to serve as a member of Kershaw County Council representing District Five.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Brantly Tomlinson to serve as a member of Kershaw County Council representing District Five until a successor shall qualify as provided by law. This Order is effective immediately.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19th DAY OF JULY, 2022.

A handwritten signature in blue ink, reading "Henry McMaster".

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, reading "Mark Hammond".

MARK HAMMOND
Secretary of State