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Executive order no. 2018-23

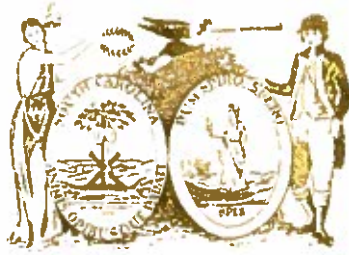
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State of South Carolina
Executive Department

FILED

AUG 03 2018

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2018-23

WHEREAS, John Kay Hansen, mayor of the Town of Ware Shoals, was indicted by a Grand Jury convened in Greenwood County for one count of Domestic Violence, Second Degree, and one count of Domestic Violence, Third Degree, both in violation of section 16-25-20 of the South Carolina Code of Laws; and

WHEREAS, John Kay Hansen subsequently pleaded guilty to and was convicted of one count of Domestic Violence, Third Degree, as a lesser included offense of Domestic Violence, Second Degree, pursuant to a negotiated sentence; and

WHEREAS, John Kay Hansen, as mayor of the Town of Ware Shoals, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, section 5-7-200 of the South Carolina Code of Laws provides that “[a] mayor or councilman shall forfeit his office if he . . . is convicted of a crime involving moral turpitude” and sets forth the manner in which the resulting vacancy shall be filled; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

August 3, 2018

WHEREAS, Domestic Violence, Third Degree, is “a crime involving moral turpitude”;
and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

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 declare the office of Mayor of the Town of Ware Shoals vacant. The resulting vacancy shall be filled as provided by law. This Order is effective immediately.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3rd DAY OF AUGUST, 2018.

Handwritten signature of Henry McMaster in blue ink.

HENRY MCMASTER
Governor

ATTEST:

Handwritten signature of Mark Hammond in blue ink.

MARK HAMMOND
Secretary of State