

From: Taylor, Richele
To: Richele Taylor (richeletaylor@gov.sc.gov) <richeletaylor@gov.sc.gov>
Date: 10/3/2016 5:42:06 PM
Subject: FW: FYI

Edward,

Thanks! I believe we met when Holly was in this position at a CLE. Things change fast around here!

Sorry for the delay, but I needed to research a few items to make sure I had everything accurate. I have answered your questions below in red to be helpful. Let me know your thoughts!

Richele

From: Edward Bender [<mailto:EdwardBender@scsenate.gov>]
Sent: Wednesday, September 28, 2016 2:00 PM
To: Taylor, Richele
Subject: RE: FYI

Thank you Richele. First, let me congratulate you on your new position, I didn't do that earlier so please forgive me. Second, thanks to you and Rebecca for your time this morning. I also appreciate you sending this article, clearly the reporter is unfamiliar with the appointment process.

A couple of things as follow up:

1. Has the Governor accepted Judge Davenport's resignation? If not, are he and the county aware he is still a magistrate? And for my own education, what does the Governor's office do to formally accept a resignation? Is there a letter you send? I'd never thought about it before and was curious.

We would consider Judge Davenport's resignation effective July 28, 2016—this is the date of the *Herald* article and the supposed but unconfirmed date that Judge Wood was sworn in and began serving. If you have a different date let us know, but we would utilize this date.

Depending upon the circumstances, our office sometimes sends a letter accepting the resignation, or may notify the person(s)/delegation responsible for filling the seat that there is a vacancy. We have planned to clarify this process moving forward so there is no confusion.

2. From y'all's perspective, what steps would need to occur in order to clear up this issue?
 - o To fill Davenport's seat: First, the delegation would provide a letter nominating Judge Wood to Davenport's seat, which is in line with the conversation our office had with Senator Hayes on or about July 28, 2016. Second, we would provide a letter appointing Judge Wood to Davenport's seat effective July 28, 2016. In this scenario, we are treating this as "dual offices" as she has been sworn in to the new office. Thus, she holds the current, new office under the law, as well as the duties of the prior office until a replacement is provided. Thus she does not need to send a resignation as she defaults to the new position when a new person is appointed to her
 - o To fill Wood's seat: First, we would provide a letter to the delegation notifying them of a vacancy in Judge Wood's seat beginning July 28, 2016. Second, the delegation would provide a letter to our office with its nomination to Wood's seat. Third, we would provide a letter appointing the nominee to Wood's seat.

Thanks again, and I look forward to hearing from you.

Edward

From: Taylor, Richele [<mailto:RicheleTaylor@gov.sc.gov>]
Sent: Wednesday, September 28, 2016 12:28 PM
To: Edward Bender <EdwardBender@scsenate.gov>
Subject: FYI

Edward,

For context, here is how we found out about the appointment. If you see the article, you can see where our concern came from. Thanks for talking through today!

<http://www.heraldonline.com/news/local/article92355402.html>

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