

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 9/17/2015 1:03:23 PM
Subject: RE: magistrate

Katie,

As we discussed, here is the legal background for how a magisterial vacancy is filled:

When the Senate is not in session, the Governor has the statutory authority to fill a vacancy in the office of magistrate by making a recess or interim appointment to serve for the remaining portion of the unexpired term. The Governor must report the interim appointment to the Senate and must forward a formal appointment at the beginning of the next regular session. Should the Senate fail to consent to a recess appointment before sine die adjournment of the next legislative session, the office would once again become vacant, and the Governor would have to make another interim appointment. See Sections 22-1-10 and 1-3-210. See also AG Opinions No. 1931 (1964-65) and October 10, 2013.

If you have any other questions, please let us know.

Thank you,

Rebecca

Rebecca S. Schimsa
Deputy Legal Counsel
Office of Governor Nikki R. Haley
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Begin forwarded message:

From: Martha Casto <MarthaCasto@scsenate.gov>
Date: August 19, 2015 at 10:52:49 AM EDT
To: "Philpott, Katie" <KatiePhilpott@gov.sc.gov>
Subject: RE: magistrate

Katie - any update on what we need to do??

Thanks!
Martha

From: Philpott, Katie [mailto:KatiePhilpott@gov.sc.gov]
Sent: Monday, August 17, 2015 9:39 AM
To: Martha Casto
Subject: RE: magistrate

Martha,

I'm actually not familiar with the process. I'm checking with our Legal Counsel and will be in touch with you as soon as I know what the required steps are.

Thank you for letting me know.

Katie R. Philpott
Director of Boards and Commissions
Office of Governor Nikki R. Haley
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803.734.8051 (fax)

From: Martha Casto [<mailto:MarthaCasto@scsenate.gov>]
Sent: Monday, August 17, 2015 9:07 AM
To: Philpott, Katie
Subject: magistrate

Katie: We had a Cherokee county magistrate that quit on us. We have a new person - I have his completed application. Will you remind me of the process to get him going during this time when the Senate isn't in Session?

Thanks!
Martha
212-6432