

From: Philpott, Katie <KatiePhilpott@gov.sc.gov>
To: Patel, Swati <SwatiPatel@gov.sc.gov>
Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 4/19/2016 9:04:22 AM
Subject: RE: Aiken Clerk of Court

I do not recall this situation with Sen. Massey.

As Becca mentioned, I was planning on discussing this impending vacancy at my next Boards meeting with the Governor (likely later this week).

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From: Patel, Swati
Sent: Monday, April 18, 2016 8:31 PM
To: Schimsa, Rebecca
Cc: Pisarik, Holly; Philpott, Katie
Subject: Re: Aiken Clerk of Court

Sen. Massey said that we were ok with the Edgefield CoC resigning before the term expired and appointing the candidate that filed or was planning to file for that seat. Do y'all recall this situation?

Sent from my iPhone

On Apr 18, 2016, at 8:08 PM, Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov> wrote:

Swati and Holly,

We have a similar situation pending in another office that Katie and I have been tracking: Oconee Auditor – a vacancy is set to occur upon the auditor's resignation effective June 30, 2016, and the only candidate filed for the office is the Deputy Auditor. I believe Katie was going to ask the Governor about this at her next meeting.

Edgefield Clerk of Court – Last year, a vacancy occurred due to resignation, and the Governor filled the vacancy by appointment until the next general election pursuant to Sections 1-3-220(2), 4-11-20(1), and 14-17-30.

To date, NH has appointed three Clerks of Court due to resignation: McCormick (2011-12), Edgefield (2015-06), and Union (2016-01). Below is some old research on this issue. Let me know what else you need.

Gubernatorial Appointment Power:

The Governor shall have full power to fill any vacancy in the office of clerk by appointment pursuant to Section 14-17-30. Until such vacancy be filled by appointment or election, the county probate judge shall take charge of the office pursuant to the same section. The Governor also possess the general authority to appoint a suitable person to a vacancy in any of county office who shall be an elector of the county

and who shall serve until the next general election for the office pursuant to Sections 4-11-20 and 1-3-220.

Office of Clerk of Court:

Each county elects a Clerk of Court who shall serve for terms of four years until their successors are elected and qualify pursuant to Article V, Section 24 of the State Constitution.

Conclusion:

A Governor's appointee shall serve the remainder of the Clerk of Court's unexpired term, and a new Clerk of Court shall be elected at the next general election for the office of clerks of court (AG Opinion August 25, 2009).

<2015-06 Appointing Edgefield County Clerk of Court.PDF>