

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 12/7/2015 9:58:13 AM
Subject: RE: Laurens County Auditor

Holly,

Q. Who fills the vacancy for a county auditor?

A. The deputy auditor carries out of the duties of the office until a successor is appointed or elected and qualifies pursuant to Section 12-39-40(B): *If there is a vacancy in the office of county auditor by reason of death, resignation, or disqualification, the appointed deputy shall carry out the duties of the office until a successor is appointed or elected and qualified.*

Q. How long will the Governor's appointee serve to fill the vacancy in the office of county auditor?

A. The Governor's appointee would serve until the next general election, and the newly elected auditor would serve to fill the remainder of the unexpired term, all of which is pursuant to Sections 1-3-220, 4-11-20, and 12-39-10. A full analysis of these provisions was provided by the Attorney General in an Opinion from July 13, 2012: <http://www.scag.gov/wp-content/uploads/2012/07/brown-w-l-os-9457-7-13-12-filling-unexpired-term-of-auditor.pdf>.

In the case of Laurens County, the resigned auditor, Sally Lancaster, was recently elected in 2014 after having been previously elected in 2010. Her deputy auditor, Jewel Hollingsworth, is currently serving as Auditor due to the vacancy and will continue to serve until the Governor makes an appointment or until after the 2018 general election. Although auditors are elected in November, the terms do not begin until July 1st of the following year in conjunction with the start of the fiscal year. According to the aforementioned AG Opinion, an election to fill an unexpired term is not triggered unless the Governor makes an appointment. Therefore, if the Governor chooses not to make an appointment in this case, then the Deputy Auditor would serve until July 1, 2019.

Please let me know what else I can do.

From: Pisarik, Holly
Sent: Friday, December 04, 2015 3:19 PM
To: Schimsa, Rebecca
Cc: Philpott, Katie
Subject: Laurens County Auditor

Becca, On Monday, can you research who fills in during a vacancy for the county auditor. And, if the Governor makes an appointment to this seat, how long that person will serve.

Thanks, Holly

Holly G. Pisarik
Chief Legal Counsel
Office of Governor Nikki R. Haley
O: 803-734-8465 C: 803-322-6255