

From: Mottel, Haley <HaleyMottel@gov.sc.gov>
To: Kevin Johnson <kevin27@sc.rr.com>
CC: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Date: 5/20/2014 9:01:50 AM
Subject: RE: H. 5195

Senator Johnson,

I forwarded the below language to Representative Williams yesterday for his review. It provides for statewide application to address the constitutional concerns for H.5195. Upon his approval of the language, he will contact Legislative Council to draft an amendment. Please carry over H.5195 until we receive approval from Representative Williams. Thank you for all of your help.

Proposal to H.5195

Purpose: To provide a statewide remedy to fill vacancies on local boards whereby vacancies were caused or went unfulfilled due to the failure of candidates to file or qualify for election.

Proposal: In the event of a vacant seat on a board of a special purpose fire district due to the failure of qualified candidates to file or qualify for election, provided that no other method to fill a vacancy exists, the county's governing body shall appoint a qualified* person to the board to serve until the next election** when his successor is elected and qualified***.

**Here, qualified denotes that each fire district may have varying qualifications, including but not limited to residency requirements, that this proposal would seek to maintain.*

***Here, a provision may want to be added that would allow for reappointment or that would set a number of terms.*

****Here, this language is necessary to ensure that an appointee serves until a person can be elected and qualify to take office, which is important to ensure there is no vacancy the day after election (i.e. from November of one year until January of the next year).*

Background: There are similar remedies in the State Constitution and in the Code that provide for alternative methods of appointment or election should vacancies exist or go unfulfilled. This proposal complies with Home Rule, as a statewide provision, and with the spirit of Home Rule, by assigning the appointment authority to a local entity rather than to a legislative delegation. Also, this proposal leaves the original method of board selection intact, allowing the opportunity for future candidates to run for office with the intent of the original act.

Thank you,
Haley

Haley Mottel
Legislative Liaison
Office of Governor Nikki R. Haley
Office: (803) 734-0082
Mobile: (803) 240-1512
HaleyMottel@gov.sc.gov

From: Kevin Johnson [mailto:kevin27@sc.rr.com]
Sent: Thursday, May 15, 2014 2:59 PM
To: Mottel, Haley
Subject: Re: H. 5195

Yes

Sent from my iPhone
Senator Kevin L. Johnson

On May 15, 2014, at 11:41 AM, "Mottel, Haley" <HaleyMottel@gov.sc.gov> wrote:

Senator Johnson,

I am still working with Rep. Williams on the bill. Could you please continue to carry over H. 5195?

Thank you again for your support and help!

Thank you,
Haley

Sent from my iPhone

On May 13, 2014, at 6:22 PM, "Kevin Johnson" <kevin27@sc.rr.com> wrote:

I will.

Sent from my iPhone
Senator Kevin L. Johnson

On May 13, 2014, at 6:11 PM, "Mottel, Haley" <HaleyMottel@gov.sc.gov> wrote:

Senator Johnson,

Katherine asked that I follow up with you on the status of H. 5195 regarding the governing board of the Palmetto Rural Fire District. Thank you for your support today and carrying over this bill so that we could work with the primary sponsor on a statewide fix so that this legislation is not unconstitutional. We would appreciate that you continue to carry over the bill until language has been approved by the primary sponsor. I will give you an update tomorrow. Please feel free to contact me if you have any questions.

Thank you,
Haley

Haley Mottel
Legislative Liaison
Office of Governor Nikki R. Haley
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Mobile: (803) 240-1512
HaleyMottel@gov.sc.gov