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Subject: Fairfield County Council vacancy

Although a governor generally has the authority to appoint county office vacancies pursuant to Section s1-3-220(2) and 4-11-20 of the South Carolina Code of Laws, a specific statute exists for county council vacancies and therefore is controlling law: Section 4-9-90 ("Vacancies on the governing body shall be filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs...").

The office of Fairfield County Councilman District 3 held by Walter Stewart will be vacated upon his resignation effective June 30, 2016 with the term expiring on December 31, 2018. Accordingly, because the vacancy occurs in less than 180 days before the next general election, the vacancy will be filled in the next general election, November 2016.

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