

1978 WL 35124 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 21, 1978

*1 Mrs. Suzette C. Bailey
Secretary
State Migrant Commission
P. O. Box 11329
Columbia, S.C. 29211

Dear Mrs. Bailey:

In your letter of September 7, 1978 to this Office you stated that eight members of the South Carolina Migrant Farmworkers Commission have terms which expire October 11, 1978. In your letter you asked whether these members continue to serve until reappointments are made.

[Section 46-43-10 of the Code of Laws of South Carolina](#) 1976 as amended states that the members of the Commission are appointed by the Governor. This section also states that 'terms of office shall be for four years with the initial appointments being divided between two and four-year appointments'. Please be advised that generally . . . in the absence of pertinent statutory or constitutional provision, public offices hold over de facto until their successors are appointed or elected and qualify. Vacancy, nevertheless, exists in the sense that successors may be appointed or elected as may be provided by law, qualify and take the offices; but meanwhile the 'holdovers' are entitled to retain the offices. As nature abhors a void, the law of government does not ordinarily countenance an interregnum.' [Bradford, et al. vs. Byrnes, 221 S. C. 255 at 262, 70 S.E.2d 228 \(1952\)](#).

Therefore in the opinion of this Office, those members of the Commission whose terms will soon expire would hold over in a de facto capacity until their successors are appointed. However, I would suggest that you get in touch with the Governor's Office concerning these members so that some action may be taken toward reappointing the same members or appointing other individuals in their place.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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