

1976 WL 30941 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 16, 1976

*1 Senator David S. Taylor
P. O. Box 46
Laurens, South Carolina 29360

Dear Senator Taylor:

In response to your request of yesterday, my opinion is that the successor to the Laurens County probate judge who is resigning effective December 31, 1976, is to be appointed by the Governor with the advice and consent of the Senate for the entire remainder of his unexpired term since the unexpired term does not exceed three years. Section 15-407 of the South Carolina Code of Laws, 1962, as amended (Cum. Supp.), provides in part:

Such appointments [to fill probate judge vacancies] shall be for the unexpired term, however if the unexpired term from the date the vacancy occurs exceeds three years the appointment shall be until the next general election, . . .

Inasmuch as the term of the present Laurens County probate judge expires on the first Tuesday in January, 1979, which is less than three years from the date the vacancy will occur, his successor will serve out the entire unexpired term.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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