

1974 WL 27940 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1974

*1 The Honorable William H. Ballenger
Senator
District No. 1
P. O. Box 500
Walhalla, South Carolina 29691

Dear Senator Ballenger:

You have inquired as to what procedure should be followed in order to declare the Office of County Supervisor vacant after the County Supervisor pled nolo contendere to a charge of misconduct in office. Pursuant to South Carolina Code of Laws, 1962, as amended, Section 50-10 once an officer who has been suspended from office is convicted the office is declared vacant and the vacancy should be filled as provided for by law. See also Section 1-124.

Section 14-302 of the Code of Laws states that when a county office becomes vacant the Governor may appoint ' . . . some suitable person, who shall be an elector of the county . . .' Therefore the Governor should declare the office vacant and appoint a replacement for this office. A new County Supervisor would be elected by the electorate in the general election of November. See Section 14-302(1).

Sincerely,

Treva Ashworth
Assistant Attorney General

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