

EXECUTIVE ORDER NO.

2021-01

WHEREAS, the undersigned has been notified that Susan Dian Hunter Wallace has forfeited or vacated the office of Auditor of Lancaster County, or is otherwise legally disqualified from serving, and that there presently exists a vacancy in such office; and

WHEREAS, article VI, section 1 of the South Carolina Constitution provides, in relevant part, that “[n]o person may be popularly elected to and serve in any office in this State or its political subdivisions unless he possesses the qualifications of an elector”; and

WHEREAS, article XVII, section 1 of the South Carolina Constitution similarly provides, in pertinent part, that “[n]o person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector”; and

WHEREAS, under South Carolina law, “all officers, constitutional and statutory, and whether elected or appointed, must be qualified electors,” *McLure v. McElroy*, 211 S.C. 106, 119, 44 S.E.2d 101, 108 (1947); and

WHEREAS, the Lancaster County Administrator recently notified the undersigned that Susan Dian Hunter Wallace had modified or changed her voter registration to reflect an address outside of Lancaster County; and

WHEREAS, the undersigned has verified that Susan Dian Hunter Wallace is not currently registered to vote in Lancaster County and has further confirmed that she is no longer a registered or qualified elector in any other county in the State, having informed the State Election Commission of her intention “to cancel any voter registration in the State of South Carolina”; and

WHEREAS, in response to a request for an opinion from the Lancaster County Administrator regarding the impact of the foregoing circumstances on Susan Dian Hunter Wallace’s eligibility to serve as Auditor of Lancaster County, the Office of the Attorney General recently concluded that “all elected officials, including county auditors, must constitute qualified electors, which means they must be register[ed] to vote in the area they intend to represent” and that “this requirement must be maintained throughout the official’s term of office and the failure to do so results in a vacancy or forfeiture of the office,” *Op. Att’y Gen.*, 2020 WL 7862620, at *3 (S.C.A.G. Dec. 17, 2020); and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that Susan Dian Hunter Wallace “automatically vacate[d] or forfeit[ed]” the office of Auditor of Lancaster County, or is otherwise legally disqualified from serving in such office, by virtue of having “failed to maintain her status as a qualified elector,” *id.* at *2; and

WHEREAS, due to the foregoing circumstances, there presently exists a vacancy in the office of Auditor of Lancaster County and the vacancy shall be filled as provided by law; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, on November 3, 2020, Suzette C. Murphy was duly elected to serve as Auditor of Lancaster County for the term prescribed by law, which shall commence on July 1, 2021, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, the members of Lancaster County Council and the resident members of the Lancaster County Legislative Delegation have recommended that the undersigned appoint Suzette C. Murphy to fill the aforementioned vacancy in the office of Auditor of Lancaster County; and

WHEREAS, Suzette C. Murphy, of Lancaster, South Carolina, is a fit and proper person to serve as Auditor of Lancaster County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Suzette C. Murphy to fill the aforementioned vacancy and to serve as Auditor of Lancaster County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 4th DAY OF
JANUARY, 2021.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State