

EXECUTIVE ORDER NO.

2023-05

WHEREAS, the undersigned has been notified that there presently exists a vacancy on Kershaw County Council, in the office and seat representing District Three, due to the resignation of J. Benjamin Connell following his election to the South Carolina House of Representatives; and

WHEREAS, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring on the governing body of a county are generally “filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, a special election for the aforementioned office is scheduled to be held on March 28, 2023; and

WHEREAS, the Kershaw County Board of Elections and Voter Registration has confirmed that Derek Shoemake, who prevailed in a primary election conducted on January 24, 2023, is the only candidate in the aforementioned special election for the office and seat representing District Three on Kershaw County Council; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office and seat representing District Three on Kershaw County Council such that the residents thereof will be without representation on Kershaw County Council pending the results of the March 28, 2023 special election, which is now uncontested, and qualification of a successor to serve as a member of Kershaw County Council for the remainder of the unexpired term; and

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

January 30, 2023

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as a member of Kershaw County Council, in the office in the office and seat representing District Three, until a successor shall qualify as provided by law, *see Op. Att’y Gen.*, 1996 WL 599395, at *1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Derek Shoemake, of Elgin, South Carolina, is a fit and proper person to serve as a member of Kershaw County Council representing District Three.

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 Derek Shoemake to serve as a member of Kershaw County Council representing District Three 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 30th DAY OF
JANUARY, 2023.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State