

EXECUTIVE ORDER NO.

2022-35

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Supervisor of Union County due to the resignation of Robert L. Love, effective November 30, 2022; 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 general election for the office of Supervisor of Union County was held on November 8, 2022; and

WHEREAS, the Union County Board of Elections and Voter Registration has confirmed that Phillip G. Russell, II prevailed in the general election conducted on November 8, 2022, and is the Union County Supervisor-Elect; and

WHEREAS, absent prior action by the undersigned, a vacancy would exist in the office of Supervisor of Union County upon the resignation of Robert L. Love and such office would remain vacant until the commencement of the term to which Phillip G. Russell, II was elected on January 3, 2023, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, pursuant to section 4-9-420 of the South Carolina Code of Laws, as amended, “[t]he powers and duties of the supervisor shall include, but not be limited to, . . . serv[ing] as the chief administrative officer of the county government”; and

WHEREAS, in view of the foregoing circumstances and considerations, the members of the Union County Legislative Delegation have recommended that the undersigned appoint Phillip G. Russell, II to fill the aforementioned vacancy and serve as Supervisor of Union County upon the resignation of Robert L. Love and for the duration of the unexpired term; and

November 18, 2022

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

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 Phillip G. Russell, II, Union County Supervisor-Elect, to serve as Supervisor of Union County for the remainder of the current unexpired term, *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, Phillip G. Russell, II, of Union, South Carolina, is a fit and proper person to serve as Supervisor of Union 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 Phillip G. Russell, II to serve as Supervisor of Union County, effective December 1, 2022, 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 18th DAY OF
NOVEMBER, 2022.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State