

Midterm Council Vacancies and Interim Appointments

Fact Sheet - preserve alternate priority, add a fallback appointment process, and return the seat to voters

What do the current bylaws provide?

Sections 3.3(g) and 3.5 use an alternate-candidate system to fill a midterm Council vacancy. Candidates who received votes but were not elected may choose to remain on an alternate list, ranked by vote total. When a vacancy occurs, the Council asks the next highest alternate to serve. The interim member serves only until the next Council election and may then stand for election.

What is the practical gap?

The bylaws do not provide a fallback when there is no willing and eligible alternate. In recent years the Council has often had too few candidates to create a meaningful alternate list. A vacancy can therefore arise when there is simply no person available under the existing procedure.

Recommended structure

- Keep the alternate list as the first and preferred method of filling a vacancy.
- If no willing and eligible alternate is available, authorize the Council to appoint an interim member.
- Require any appointee to satisfy the same candidate eligibility requirements contained in Section 3.2.
- Before an appointment, publicly announce the vacancy and invite qualified interested persons to submit their names for at least seven (7) days.
- Require the appointment to receive the affirmative vote of a majority of all Council Members then holding office.
- Require both an alternate and a Council-appointed interim member to face the voters at the next regularly scheduled Council election if the person wishes to continue serving.

Why the next-election requirement matters

The Council appointment is intended only as a practical bridge when no alternate exists. Returning the seat to the voters at the next scheduled election preserves the elected character of the Council and prevents a temporary appointment from becoming an unelected multi-year term. The vacancy and interim appointment should not alter the normal stagger or term cycle assigned to that seat.

DRAFT NEW BYLAW LANGUAGE

Section 3.3(g) - Alternate Candidates. Candidates who receive votes but are not elected to the Council may, at their option, remain on an alternate list in order from highest to lowest number of votes. In the event of a vacancy, eligible and willing persons on the alternate list shall receive priority for filling the vacancy as provided in Section 3.5.

Section 3.5 - Vacancies. Any vacancy on the Council arising at any time and from any cause shall be filled in accordance with this Section.

(a) Alternate Candidate. The Council shall first offer the vacant position to the highest-ranked willing and eligible alternate candidate on the alternate list established pursuant to Section 3.3(g). If that candidate declines, is unavailable, or is no longer eligible to serve, the position shall be offered successively to the remaining alternate candidates in order of their vote totals.

(b) Appointment When No Alternate Is Available. If no willing and eligible alternate candidate is available, the Council may fill the vacancy by appointment. Any person considered for appointment must satisfy all eligibility requirements applicable to a candidate for Council under Section 3.2. Before making an appointment, the Council shall provide public notice of the vacancy and invite qualified persons interested in serving to submit their names for consideration for a period of not less than seven (7) days. An appointment under this subsection shall require the affirmative vote of a majority of all Council Members then holding office.

(c) Duration of Interim Service. A person selected from the alternate list or appointed by the Council to fill a vacancy shall serve only until the next regularly scheduled Council election. The interim Council Member shall be eligible to stand for election at that election on the same basis as any other qualified candidate.

(d) Election and Seat Cycle. At the next regularly scheduled Council election, the vacant seat shall be filled in accordance with Section 3.3 and the other applicable election provisions of these bylaws. A vacancy, interim appointment, or election to complete an unexpired term shall not alter the established stagger or regular term cycle assigned to that Council seat.

Practical effect

- The next highest willing and eligible vote-getter remains the first choice.
- An empty or exhausted alternate list no longer prevents the Council from filling a seat.
- Any Council-appointed interim member must meet the same eligibility standards as an elected candidate.
- The community has notice and an opportunity for qualified residents to express interest before an appointment is made.
- The appointment remains temporary; the seat returns to the voters at the next regularly scheduled election.
- The established stagger and term cycle for the seat are preserved.

Source Documents / Legal Framework

Daufuskie Island Council Bylaws, especially Sections 3.2, 3.3(g) and 3.5; Daufuskie Island Council Articles of Incorporation; South Carolina Nonprofit Corporation Act, including S.C. Code Section 33-31-811.