

Executive Order No. 2018-54

WHEREAS, on October 24, 2017, the undersigned issued Executive Order 2017-36, suspending James H. Harrison as a member of the Board of Visitors of The Citadel, the Military College of South Carolina, following his indictment by the State Grand Jury for one or more “crime[s] involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order 2017-36 stated that the undersigned’s suspension of James H. Harrison was effective “until such time as the above-referenced charges are resolved, at which time further appropriate action will be taken by the undersigned”; and

WHEREAS, on October 26, 2018, James H. Harrison was convicted of one count of Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws; one count of Common Law Misconduct in Office; and one count of Perjury, in violation of section 16-9-10 of the South Carolina Code of Laws; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon conviction of an “officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, in addition to the foregoing, section 8-1-80 of the South Carolina Code of Laws requires that, upon conviction of an individual for Misconduct in Office pursuant such provision, “[t]he presiding judge . . . shall order a certified copy of the indictment to be immediately transmitted to the Governor who must, upon receipt of the indictment, by executive order declare the office to be vacant” and the resulting vacancy “must be filled as in the case of the death or resignation of the officer”; and

WHEREAS, with regard to elected members of the Board of Visitors of The Citadel, the Military College of South Carolina, section 59-121-30 of the South Carolina Code of Laws provides, in relevant part, that “[t]he General Assembly shall hold an election to fill vacancies occurring due to expiration of terms . . . and as necessary to fill unexpired terms which are caused by the death, resignation, or removal of a trustee”; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

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 declare vacant the office and seat previously held by James H. Harrison on the Board of Visitors of The Citadel, the Military College of South Carolina. The resulting vacancy shall be filled 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
OCTOBER, 2018.**

**HENRY MCMASTER
Governor**