



1 the county, unless the number of vacancies in a county commission  
2 deprive that body of a quorum, in which case the Governor of the  
3 state shall fill any vacancy in the county commission necessary to  
4 create a quorum thereof. Persons appointed shall be of the same  
5 political party as the officeholder vacating the office and shall  
6 continue in office until the next general election is certified, or  
7 until the completion of the term if the term ends on December 31,  
8 following the next general election: *Provided*, That in the event  
9 a quorum of the county commission cannot agree upon a person to  
10 fill a vacancy in the office of county commissioner within thirty  
11 days of the date the vacancy first occurred, the county executive  
12 committee of the vacating county commissioner's political party  
13 shall select and name a person to fill the vacancy from the  
14 membership of the vacating county commissioner's political party.

15       (b) Notice of the election shall be given by order of the  
16 county commission and published as prescribed in section six of  
17 this article. Nomination of candidates to fill the office for an  
18 unexpired term in the office of county commissioner or clerk of the  
19 county commission shall be made in the manner prescribed for making  
20 nominations to fill a vacancy in the office of the clerk of the  
21 circuit court.

22       (c) In the event that the election for an unexpired term is  
23 held at the same time as the election for a full term for county  
24 commissioner, the full term shall be counted first and the

1 unexpired term shall be counted second. If the candidate with the  
2 highest number of votes for the unexpired term resides in the same  
3 magisterial district as the candidate with the highest number of  
4 votes for the full term, the candidate for the full term shall be  
5 seated. The candidate with the next highest number of votes for  
6 the unexpired term residing in a different magisterial district  
7 shall be seated for the unexpired term.

8 (d) A county commission may on its own motion appoint a  
9 temporary successor until conditions of this section have been met.  
10 The temporary successor may serve no more than thirty days from  
11 the date of the vacancy.

12 **§3-10-8. Vacancies in offices of prosecuting attorney, sheriff,**  
13 **assessor and surveyor.**

14 Any vacancy occurring in the office of prosecuting attorney,  
15 sheriff, assessor or county surveyor shall be filled by the county  
16 commission by appointment of a person of the same political party  
17 as the officeholder vacating the office. The appointed person  
18 shall hold the office until the next general election is certified,  
19 or until the completion of the term if the term ends on December  
20 31, following the next general election. Notice of an election to  
21 fill a vacancy in any of the offices named in this section shall be  
22 given by the county commission, or by the president thereof in  
23 vacation, and published or posted in the manner prescribed in  
24 section six of this article. Nomination of candidates to fill any

1 vacancy shall be made in the manner prescribed in section six of  
2 this article for nominating candidates to fill a vacancy in the  
3 office of the clerk of the circuit court. A county commission may  
4 on its own motion appoint a temporary successor until conditions of  
5 this section have been met. The temporary successor may serve no  
6 more than thirty days from the date of the vacancy.

NOTE: The purpose of this bill is to authorize the county commission to appoint a temporary successor if a vacancy occurs in offices of clerk of the county commission, clerk of the circuit court, prosecuting attorney, sheriff, assessor and surveyor.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.