

State of South Carolina
Executive Department



FILED

DEC 06 2022

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2022-38

WHEREAS, on December 6, 2022, a Grand Jury convened in Pickens County returned an Indictment charging Donald Edward McKinney, a member of the City Council of the City of Pickens, with Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655(B)(2) of the South Carolina Code of Laws, as amended; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that "[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted" and "[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, Donald Edward McKinney, as a member of the City Council of the City of Pickens, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude "implies something immoral in itself, regardless of whether it is punishable by law as a crime," involves "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man," or otherwise includes conduct "contrary to justice, honesty[,] and good morals," *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) ("Under South Carolina's moral turpitude framework, we focus 'primarily on the duty to society and fellow man [that] is breached by the commission of the crime.'"); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Donald Edward McKinney with "a crime involving moral turpitude" for purposes of article VI, section 8 of the South Carolina Constitution, *see State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) ("criminal sexual conduct with a minor in any degree is a crime of moral turpitude"); and

December 6, 2022

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Donald Edward McKinney from office as a member of the City Council of the City of Pickens until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

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 suspend Donald Edward McKinney from office as a member of the City Council of the City of Pickens until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Donald Edward McKinney and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 6th DAY OF
DECEMBER, 2022.**

A handwritten signature in blue ink, reading "Henry McMaster", is written over a horizontal line.

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, reading "Mark Hammond", is written over a horizontal line.

MARK HAMMOND
Secretary of State