

AN ORDINANCE ACCEPTING THE TRANSFER OF CERTAIN AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF AWENDAW

WHEREAS, S.C. Code Ann. ' 5-15-145 (1976), as amended, allows for the transfer of some or all authority to conduct municipal elections to a county election commission; and

WHEREAS, by adoption of Town Ordinance Number 06-01, (attached hereto as Exhibit AA@), the Town Council of the Town of Awendaw (the ATown@) has determined it to be in the best interests of its citizens that some authority attendant to the conduct of Town elections be transferred to the Board of Elections and Voter Registration of Charleston County, and the Town has agreed to change the date of its general elections and to otherwise conform provisions of the Town Code to applicable state law;

WHEREAS, the Board of Elections and Voter Registration of Charleston County has agreed to accept the specified authority to conduct municipal elections in the Town of Awendaw as set forth hereafter; and

WHEREAS, Charleston County Council desires to enact an ordinance approving the transfer of authority to the Board of Elections and Voter Registration of Charleston County to conduct elections in the Town as set forth hereafter; and

NOW, THEREFORE, BE ORDAINED IT BY CHARLESTON COUNTY COUNCIL, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

Section 1. In accordance with the authority devolved by S.C. Code ' 5-15-145 (Supp. 2003) Charleston County Council hereby accepts the transfer to the the Board of Elections and Voter Registration of Charleston County (the ABoard@) of the authority to

conduct elections for the Town. The authority here transferred includes publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, certifying the results of the election, and hearing challenges and protests. All elections so conducted by the Board of Elections and Voter Registration of Charleston County shall be in accordance with Title 7 of the South Carolina Code, as the same may be modified by Title 5 of the South Carolina Code.

Section 2. The Town shall reimburse the Board of Elections and Voter Registration of Charleston County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers= compensation and other additional expenses incurred in, or arising from, its conduct of municipal elections in the Town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

Section 3. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the Board, its officers, agents and employees, and the officers, agents and employees of the County. Notwithstanding the preceding, the Town will not be responsible for attorney=s fees for separate counsel retained by any party to such protest or litigation.

Section 4. The Board shall provide invoices and/or other documentation to the Town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this ordinance.

Section 5. If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 6. This Ordinance shall take effect upon successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

- (A) Adoption of this Ordinance accepting the authority being transferred hereunder, and
- (B) Submission to the United States Justice Department and subsequent receipt of pre-clearance for the transfer of authority for conducting municipal elections which would be effected hereunder.