

Ord. #1561

**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 MOUNT PLEASANT**

**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 08027, (attached hereto as Exhibit "A"), the Town Council of the Town of Mount Pleasant (the "Town") has determined it to be in the best interests of its citizens that authority attendant to the conduct of Town elections to include all regular and special municipal elections in the Town of Mount Pleasant for the offices of Mayor, Town Councilmember and Commissioners of Public Works be transferred to the Board of Elections and Voter Registration of Charleston County, and;

**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 Mount Pleasant 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 it ordained by Charleston County Council, in meeting duly assembled, as follows:

**SECTION 1.** In accordance with the authority devolved by S.C. Code Ann. § 5-15-145, as amended, Charleston County Council hereby accepts the transfer to the Board of Elections and Voter Registration of Charleston County (the "Board") of the authority to conduct elections for the Town. The authority here transferred shall include the following: a) Publishing proper notices of elections; b) Insuring the provision of proper books for registration; c) Preparing and distributing ballots and election

materials; d) Preparing and staffing an absentee ballot precinct; e) Appointing and training poll managers; f) Providing voting machines; g) Supervision of the polls on election day, along with the Mount Pleasant Election Commission (Joint Supervision); h) Tabulating all election votes; i) Certifying election results to the Mount Pleasant Election Commission; j) Conducting all Mount Pleasant municipal elections, special and general, pursuant to the requirements of the South Carolina Code of Laws; and k) Any and all other authority relative to conducting a municipal election that is not specifically excluded herein below.

All elections so conducted by the Board 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.** It is expressly understood that certain authority is excluded from this transfer of authority and will be maintained by the Town of Mount Pleasant and the Mount Pleasant Election Commission. The following authority shall remain with the Mount Pleasant Election Commission: Review of and decisions on challenges from candidates; Review of and decisions on challenged ballots; Ultimate decisions and final authority over the supervision of the polls on election-day; and Certification of Results to the Mount Pleasant Town Council.

The following authority shall remain with the Town of Mount Pleasant: Statements of candidacies and fees therewith, shall be filed with the Mount Pleasant Clerk of Council; Authority to call special elections and set the date of same pursuant to the requirements of the South Carolina Code of Laws, if applicable, in addition to drafting and proposing referendum questions to the voters; and, the authority to cancel/revoke this transfer of authority by Ordinance at anytime.

Protest filed or litigation commenced, in connection with the conduct of a municipal election, shall be heard by the Mount Pleasant Election Commission and defended by the Town Attorney, with the Town being responsible for all fees, costs and expenses incurred in such protest or litigation.

**SECTION 3.** The Town shall reimburse the Board 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 4.** In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections and the County and/or the Board is named as a party to the action, 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 5.** 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 6.** 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 7.** 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.

ADOPTED and APPROVED in meeting duly assembled this 2<sup>nd</sup> day of September, 2008.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Timothy E. Scott  
Chairman

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk of Council