

AN ORDINANCE

ACCEPTING THE TRANSFER OF CERTAIN FURTHER AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF MOUNT PLEASANT.

WHEREAS, Section 5-15-145 of the South Carolina Code of Laws (1976), as amended, allows for the transfer of some or all authority to conduct municipal elections to a county election commission; and

WHEREAS, in 2008 pursuant to Ordinance No. 08027, the Town of Mount Pleasant (Town) transferred certain of its authority for conducting Mount Pleasant Municipal Elections to the Charleston County Board of Elections and Voter Registration (Board); and

WHEREAS, in 2008 pursuant to Ordinance No. 1561, Charleston County Council accepted the referenced authority on behalf of the Charleston County Board of Elections and Voter Registration; and

WHEREAS, by adoption of Ordinance No. 09028, (attached hereto as Exhibit "A"), the Town Council of the Town of Mount Pleasant has determined it to be in the best interests of the community to transfer certain further authority attendant to the conduct of Town elections; and

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

WHEREAS, Section 5-15-145 of the South Carolina Code of Laws (1976), as amended, authorizes such a transfer of all or some authority for conducting municipal elections to the County Election Commission, pursuant to an Agreement between the between the governing bodies of Charleston County and the Town of Mount Pleasant and enactment of separate ordinances by the governing bodies embodying the terms of the same, and this Ordinance with the terms stated herein shall evidence the Agreement; and

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

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in

meeting duly assembled, as follows:

SECTION 1. The above recitals and findings are incorporated herein by reference and made a part of this Ordinance, and any and all previous Charleston County Ordinances shall be amended to reflect the changes identified herein.

SECTION 2. 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 certain further authority to conduct elections for the Town of Mount Pleasant.

The certain specific further authority transferred to the Charleston County Board of Elections and Voter Registration includes the following:

1. Review of and decisions on challenges from candidates;
2. Review of and decisions on challenged ballots;
3. Protest filed or litigation commenced, in connection with the conduct of a municipal election, shall be heard by the Charleston County Board of Elections and Voter Registration and defended by its attorney, with the Town being responsible for all fees, costs and expenses incurred in such protest or litigation;
4. Supervision of the polls on election day;
5. Certification of Results to the Mount Pleasant Town Council;
6. Statements of candidacies and fees therewith, shall be filed with the Charleston County Board of Elections and Voter Registration;
7. Any and all other authority necessary to conduct a municipal election, not specifically excluded herein;

All elections so conducted by the Charleston County Board of Elections and Voter Registration 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 3. It is expressly understood that certain specific 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 certain specific authority that will be maintained by the Town of Mount Pleasant and the Mount Pleasant Election Commission and excluded and not granted to the Charleston County Board of Elections and Voter Registration includes the following:

1. 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, proposing and finalizing referendum questions for the voters, shall remain with the Mount Pleasant Town Council;

2. Authority to cancel/revoke this transfer of authority by Ordinance at anytime;
3. Expenses for Mount Pleasant municipal elections will be borne by the Town and, as such, Charleston County will be reimbursed for any such expenses incurred.

SECTION 4. 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 5. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections and Charleston County and/or the Charleston County Board of Elections and Voter Registration 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 6. 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 7. 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 8. 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 affected hereunder.