

**AN ORDINANCE
TO ACCEPT THE TRANSFER OF AUTHORITY TO THE BOARD OF
ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY
TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF
SEABROOK ISLAND, SOUTH CAROLINA.**

WHEREAS, Section 5-15-145 of the Code of Laws of South Carolina, 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 of Seabrook Island, SC, Ordinance No. 2011-03, Adopted April 26, 2011 (attached hereto as Exhibit "A"), the Governing Body of the Town of Seabrook Island has determined it to be in the best interests of its citizens that authority attendant to the holding of municipal elections of the Town of Seabrook Island 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 the municipal elections in accordance with Title 7 of the Code of Laws of South Carolina, 1976, as amended, unless otherwise specified by Title 5 of the Code of Laws of South Carolina, 1976, as amended, and will certify the results of each election to the Town of Seabrook Island immediately following the certification of the votes cast in each election; 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 for the Town of Seabrook Island as set forth hereafter.

NOW, THEREFORE, BE IT ENACTED by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

Section 1. Findings Incorporated

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In accordance with the authority devolved by Section 5-15-145 of the Code of Laws of South Carolina, 1976, as amended and pursuant to the terms of Town of Seabrook Island, SC, Ordinance No. 2011-03, Adopted April 26, 2011, Charleston County Council hereby accepts the transfer to the the Board of Elections and Voter Registration of Charleston County of the authority to conduct elections for the Town of Seabrook Island. The authority here transferred includes, but is not limited to, 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, and certifying the results of the election.

All elections so conducted by the Board of Elections and Voter Registration of Charleston County shall be in accordance with Title 7 of the Code of Laws of South Carolina, 1976, as amended, unless otherwise specified by Title 5 of the Code of Laws of South Carolina, 1976, as amended.

Section 2. Reimbursement of Costs

The Town of Seabrook Island 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 related additional expenses incurred in, or arising from, its conduct of municipal elections in the Town of Seabrook Island. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

Section 3. Protest or Litigation

In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the same shall be heard by the Board of Elections and Voter Registration of Charleston County. The Town of Seabrook Island shall pay all fees, costs, and expenses incurred in such protest or litigation.

Section 4. Invoices

The Board of Elections and Voter Registration of Charleston County shall provide invoices and/or other documentation to the Town of Seabrook Island of all such costs and expenses incurred in the conduct of the Town of Seabrook Island's municipal elections, protests, certification of results, litigation or other costs which may be incurred, and not specifically mentioned in this Ordinance.

Section 5. Severability

If any one or more of the provisions or portions provided in this Ordinance or its application to any circumstance should be determined by a court of competent jurisdiction to be contrary to law, or invalid for any reason, then such provision or application of this

Ordinance shall be deemed severable from the remaining provisions or applications provided in this Ordinance and the invalidity shall in no way affect the validity of the other provisions or applications of this Ordinance.

Section 6. Effective Date of this Ordinance

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 ____ day of _____, 2011

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.
Chairman of Charleston County Council

ATTEST:

Beverly T. Craven
Clerk to Charleston County Council

First Reading: _____, 2011
Second Reading: _____, 2011
Third Reading: _____, 2011