

**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 KIAWAH 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 Kiawah Island, SC, Ordinance No. 2014-05, Adopted May 6, 2014 (attached hereto as Exhibit "A"), the Governing Body of the Town of Kiawah 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 Kiawah 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 Kiawah 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 Kiawah 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 Kiawah Island, SC, Ordinance No. 2014-05, Adopted May 6, 2014, Charleston County Council hereby accepts the transfer to the Board of Elections and Voter Registration of Charleston County of the authority to conduct elections for the Town of Kiawah 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 Kiawah 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 Kiawah 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 Kiawah 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 Kiawah Island of all such costs and expenses incurred in the conduct of the Town of Kiawah 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 become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 29th day of July, 2014.
CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

Beverly T. Craven
Clerk to Charleston County Council

First Reading: June 3, 2014
Second Reading: June 17, 2014
Public Hearing: June 17, 2014
Third Reading: July 29, 2014

EXHIBIT A

TOWN OF KIAWAH ISLAND ORDINANCE 2014-05

AN ORDINANCE PROVIDING FOR THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY

WHEREAS, Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of the powers, duties, and responsibilities for conducting municipal elections from municipal election commissions to county election commissions upon the adoption of appropriate ordinance by those municipality desiring to effect such transfer, and

WHEREAS, the Town of Kiawah Island desires to transfer authority for conducting municipal elections to the Board of Elections and Voter Registration for Charleston County.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL

Section 1. Purpose

The purpose of this Ordinance is that authority for the conduct of municipal elections for the Town of Kiawah Island is hereby transferred to the Board of Elections and Voter Registration for Charleston County in the following particulars:

Section 2. Ordinance

1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30, Section 5-7-260, and Section 5-15-145 and Article III of the Code of the Town of Kiawah Island.

The Town hereby disbands its Municipal Election Commission. The Board of Elections and Voter Registration Charleston County shall conduct the municipal elections in accordance with Title 7 of the S. C. Code of Election Laws unless otherwise specified by Title 5. The Board of Elections and Voter Registration will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.

2. The Town of Kiawah 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 its conduct of municipal elections in the Town of Kiawah Island. Poll Managers will be paid at the standard rate set by the State Election Commission for all other elections. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town of Kiawah Island shall pay all fees, costs, and expenses incurred in such protest or litigation. The Charleston County Board of Elections and Voter Registration shall provide invoices and/or other documentation to the Town of Kiawah Island of all such costs and expenses incurred in the conduct of the Town of Kiawah Island Municipal Elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

3. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency. Article Three, Chapter One, Section 3-106 of the Town Code is hereby amended as follows:

- (a) Article III, Chapter 1, Section 3-106 is deleted in its entirety, and
- (b) All references to the "Municipal Election Commission" shall be changed to the "Board of Elections and Voter Registration for Charleston County," and

4. Sections 2 of this Ordinance shall be codified by the Town Clerk at Town Code Section 3-106 and renamed Conduct of Municipal Elections by the Board of Elections and Voter Registration for Charleston County.

5. That this Ordinance shall become finally binding immediately after same shall have received first and second readings, given in manner required by law.

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

- (a) Adoption of an appropriate ordinance by the Governing Body of Charleston County accepting the authority being transferred hereunder.


Section 3. Severability


If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 4. Effective Date and Duration

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 6th DAY OF MAY, 2014.


Charles R. Lipuma, Mayor


Petra Reynolds, Town Clerk

First Reading Approval: April 1, 2014

Second Reading Approval: May 6, 2014