

**AN ORDINANCE  
APPROVING AND ACCEPTING THE COMPLETE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL  
ELECTIONS FOR THE TOWN OF MCCLELLANVILLE TO THE BOARD OF ELECTIONS AND VOTER  
REGISTRATION OF CHARLESTON COUNTY, AND AMENDING ORDINANCE NUMBER 1437 OF  
CHARLESTON COUNTY TO PROVIDE FOR THE SAME**

WHEREAS, Title 5, Chapter 15, Nominations and Elections for Municipal Offices, Section 5-15-145, Code of Laws of South Carolina, 1976 as amended, allows for the transfer of some or all authority to conduct municipal elections from municipal election commissions to county election commissions upon the adoption of appropriate ordinances by those desiring to effect such transfer; and WHEREAS, by Charleston County Ordinance Number 1437, the Board of Elections and Voter Registration of Charleston County ("Board") accepted a certain specific portion of authority to conduct municipal elections in the Town of McClellanville ("Town") as set forth in Ordinance Number 2006-5 of the Town of McClellanville; and WHEREAS, Town Council of the Town has now determined that complete authority to conduct municipal elections be transferred to the Board, and the Town Council of the Town has adopted Ordinance Number 2017-2 on September 11, 2017, to effect that transfer. The Town of McClellanville Ordinance Number 2017-2 is attached as Exhibit "A" and made a part by reference; and

WHEREAS, Charleston County Council desires to enact an ordinance approving and accepting the complete transfer of authority to conduct municipal elections for the Town to the Board, and amends Charleston County Ordinance Number 1437 to provide for the same; and

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

The above recitals are incorporated herein by reference and made a part of this Ordinance. Town Council of the Town adopted Ordinance Number 2017-2 on September 11, 2017, to effect the transfer of complete authority to conduct municipal elections for the Town to the Board. Charleston County Council approves and accepts the complete transfer of authority to conduct municipal elections for the Town to the Board. Therefore, the Board shall conduct the municipal elections in accordance with Title 7, Code of Laws of South Carolina, 1976 as amended, unless otherwise provided in or modified by Title 5, Code of Laws of South Carolina, 1976 as amended.

AND, NOW THEREFORE, BE IT FURTHER ORDAINED by Charleston County Council of the County of Charleston in meeting duly assembled, as follows:

Charleston County Ordinance Number 1437 is hereby amended to include the following amendments:  
**Section 1.** In accordance with the authority devolved by Section 5-15-145, Code of Laws of South Carolina, 1976 as amended, and pursuant to the terms of McClellanville Ordinance Numbers 2006-5 and 2017-2, Charleston County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the Town to the Board. The Board shall be completely responsible for municipal elections held within the

Town. The authority here transferred includes, but is not limited to, addressing all disputes and questions that arise out of the election process, 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, reviewing decisions on challenges from candidates, reviewing decisions on challenged ballots, hearing protests filed or litigation commenced in connection with the conduct of a Town election . All elections conducted by the Board shall be in accordance with Title 7, Code of Laws of South Carolina, 1976 as amended, unless otherwise provided in or modified by Title 5, Code of Laws of South Carolina, 1976 as amended.

**Section 2.** 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 3.** 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 and defended by its attorney. 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.

**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 Department of Justice and subsequent receipt of pre-clearance for the transfer of authority to the Board for conducting municipal elections for the Town which would be effected hereunder.

ADOPTED and APPROVED in meeting duly assembled this \_\_\_\_ day of October 2017.

CHARLESTON COUNTY COUNCIL

(SEAL)

A. Victor Rawl  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_ Kristen L. Salisbury  
Clerk of Charleston County Council

First Reading: \_\_\_\_\_,2017

Second Reading: \_\_\_\_\_,2017

Third Reading: \_\_\_\_\_,2017

**Exhibit "A"**

Town of McClellanville Ordinance Number 2017-2 adopted September 11, 2017