

**AN ORDINANCE**

**APPROVING AND ACCEPTING THE COMPLETE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF ROCKVILLE TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY, AND AMENDING ORDINANCE NUMBER 1541 OF CHARLESTON COUNTY TO PROVIDE FOR THE SAME**

WHEREAS, 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 1541, the Board of Elections and Voter Registration of Charleston County ("Board") accepted a specific portion of authority to conduct municipal elections in the Town of Rockville ("Town") as set forth in Ordinance Number 07-1015 of the Town of Rockville; 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 92021 on September 20, 2021, to effect that transfer. The Town of Rockville Ordinance Number 92021 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 of Rockville to the Board of Elections and Voter Registration of Charleston County, and amends Charleston County Ordinance Number 1541 to provide for the same.

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 92021 on September 20, 2021, 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, THEREFORE BE IT FURTHER ORDAINED, by Charleston County Council of the County of Charleston in meeting duly assembled, as follows:

Charleston County Ordinance Number 1541 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 Rockville Ordinance Numbers 07-1015 and 92021, 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, 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, hearing challenges and protests, and certifying the results of the election. All elections conducted by the Board of Elections and Voter Registration of Charleston County 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 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 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 actions 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 notice of 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 9<sup>th</sup> day of 2021.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

By: \_\_\_\_\_

Kristen L. Salisbury  
Clerk to County Council

First Reading: October 12, 2021  
Second Reading: October 26, 2021  
Third Reading: November 9, 2021

**Exhibit "A"**

Town of Rockville Ordinance Number \_\_\_\_\_  
adopted September 20, 2021

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS TO THE BOARD OF ELECTIONS AND VOTER REGISTRATIONS 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 ordinances by those municipalities desiring to effect such transfer, and

WHEREAS, the Town of Rockville desires to transfer authority for conducting municipal Elections to the Registration and Elections Commission for Charleston County.

NOW, THEREFOR, BE IT ORDAINED by the governing body of the Town of Rockville duly assembled in Council this 20 day of Sept., 2021, that authority for the conduct of municipal elections is hereby transferred to the Registration and Elections Commissions for Charleston County in the following particulars:

Section 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 5-7-260, and Section 5-15-145 and the UDO of the Town of Rockville.

Charleston County shall conduct the Town of Rockville's municipal elections in accordance with Title 7 of the SC Code of Election Laws unless otherwise specified by Title 5. The Registration and Elections Commission will certify the results of each election to the Town of Rockville immediately following the cast of votes in each election.

Section 2: The Town of Rockville shall reimburse the Registration and Elections Commission of Charleston County (*hereinafter Comm.*) for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other related expenses. Poll managers will be paid at the standard rate set by the State Election Commission. In the event a protest is filed or litigation is commenced in connection with the conduct of the Town's elections, the

Town of Rockville shall pay all fees, costs, and expenses incurred in such protest or litigation.

Section 3: That all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of inconsistency. The Town of Rockville UDO chapters related to the same shall be amended.

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Section 4: That this Ordinance shall become finally binding immediately after same shall have received 1<sup>st</sup> and 2<sup>nd</sup> readings, given in manner required by law.

DONE AND RATIFIED in Council assembled on this 20 day  
of September, 2021.

Mayor [Signature]

Councilman [Signature]

Councilman [Signature]

Councilman [Signature]

Councilman \_\_\_\_\_

First reading date: 8/16/21

Second reading date: 9/20/21

Attest [Signature]

Town of Rockville Clerk