

**AN ORDINANCE
APPROVING AND ACCEPTING THE COMPLETE TRANSFER OF AUTHORITY TO
CONDUCT MUNICIPAL ELECTIONS FOR THE CITY OF FOLLY BEACH TO THE BOARD
OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY.**

WHEREAS, S.C. Code Ann. § 5-15-145 (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, the City Council of the City of Folly Beach has determined that complete authority to conduct municipal elections should be transferred to the Board of Elections and Voter Registration of Charleston County ("Board"), and the City of Folly Beach adopted Ordinance Number 012-23 on June 13, 2023, to effect that transfer. The City of Folly Beach Ordinance Number 012-23 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 City of Folly Beach to the Board.

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

SECTION I. The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. In accordance with the authority devolved by S.C. Code Ann. § 5-15-145, 1976 as amended, and pursuant to the terms of City of Folly Beach Ordinance Number 012-23, Charleston County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the City of Folly Beach to the Board. The Board shall be completely responsible for municipal elections held within the City. 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, ensuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing early voting, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to ensure 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, and hearing protests filed in connection with the conduct of a City election. All elections conducted by the Board shall be in accordance with Title 7 of the Code of Laws of South Carolina, 1976 as amended.

SECTION III. The City 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 City.

SECTION IV. 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 City 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 V. The Board shall provide invoices and/or other documentation to the City 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 VI. 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 VII. This Ordinance shall become effective upon third reading by Charleston County Council.

ADOPTED and APPROVED in meeting duly assembled this 26th day of September 2023.

CHARLESTON COUNTY COUNCIL

By: _____

Herbert R. Sass, III

Chairman of Charleston County Council

ATTEST:

By: _____

Kristin L. Salisbury

Clerk to Charleston County Council