

ORDINANCE NO. 2017-2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
TOWN OF MCCLELLANVILLE) AN ORDINANCE TO TRANSFER AUTHORITY
 OF MCCLELLANVILLE’S MUNICIPAL
 ELECTION COMMITTEE TO HEAR
 PROTESTS TO THE CHARLESTON COUNTY
 BOARD OF ELECTIONS AND VOTER
 REGISTRATION

WHEREAS, all regular and special municipal elections in the Town of McClellanville (the “Town”) for the offices of Mayor and Town Councilmembers have been transferred and are currently conducted by the Charleston County Board of Elections and Voter Registration, except for the Town’s Municipal Election Committee’s (“MEC”) ability to hear protests; and

WHEREAS, Town Council hereby finds that it is appropriate and in the best interests of the community to transfer all remaining authority of the MEC to the Charleston County Board of Elections and Voter Registration; and

WHEREAS, this Ordinance with the terms stated herein shall also evidence an Agreement between the governing body of the Town of McClellanville and the governing body of the Charleston County, upon acceptance and acknowledgement of same hereinbelow by Charleston County.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Town of McClellanville, South Carolina, in Council assembled and by the authority thereof, transfer all remaining authority of the Town to assemble a Municipal Election Committee to hear protests to the Charleston County Board of Elections and Voter Registration.

BE IT ALSO FURTHER ORDAINED that Section 2.209 of the Town Code shall be amended to read as follows:

Transfer of Authority to Conduct Elections to Charleston County Board of Elections and Voter Registration.

In accordance with the authority devolved by S.C. Code § 5-15-145 (Supp. 2003), and notwithstanding the provisions of Sections 2.204 and 2.205, the Charleston County Board of Elections and Voter Registrations is transferred the authority to conduct Town elections. The authority here transferred includes 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 and certifying the results of the election. All elections so conducted by the Charleston County Board of Elections and Voter Registration shall be in accordance with Title 7 of the South Carolina Code, as the same may be modified by Title 5 of the South Carolina Code.

The Town shall reimburse the Charleston County Board of Elections and Voter Registration 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. Poll Managers will be paid at the standard rate set by the South Carolina 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 same shall be heard by the Charleston County Board of Elections and Voter Registration. The Town shall pay all fees, costs, and expenses incurred in such protest or litigation. Notwithstanding the preceding, the Town will not be responsible for attorney's fees for separate counsel retained by the Board or County or their respective officers, agents and employees in any such protest or litigation. The Charleston County Board of Elections and Voter Registration shall provide invoices and/or other documentation to the Town of all such costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

BE IT ALSO FURTHER ORDAINED that the following specific authority is hereby transferred to the Charleston County Board of Elections and Voter Registration:

- (1) Review of and decisions on challenges from candidates.
- (2) Review of and decisions on challenged ballots.
- (3) Protest filed or litigation commenced in connection with the conduct of a municipal election, shall be heard by the Charleston County Board of Elections and Voter Registration and defended by its attorney, with the Town being responsible for all fees, costs and expenses incurred in such protest or litigation.

- (4) Certification of results to Town Council.
- (5) Any and all other authority necessary to conduct a municipal election, not specifically excluded herein.

THIS ORDINANCE SHALL BE EFFECTIVE UPON THE SUCCESSFUL COMPLETION OF THE FOLLOWING NECESSARY ACTIONS:

- (1) Passage of an appropriate Ordinance by the governing body of Charleston County, authorizing acceptance of the transfer of authority approved herein.
- (2) Acknowledgment of this Agreement hereinbelow by the governing body of Charleston County with the concurrent of the Charleston County Board of Elections and Voter Registration, accepting the authority being transferred hereunder.

SIGNED, SEALED AND DELIVERED this 11th day of September, 2017.

Rutledge B. Leland, III, Mayor
Town of McClellanville

ATTEST:

Clerk of Council

_____, 2017

First Reading: _____

Second Reading: _____

Adopted at Council meeting: _____, 2017

APPROVED AS TO FORM:

Julia P. Copeland
Corporation Counsel

AGREEMENT:

Unconditional acceptance of all the terms in the Agreement identified hereinabove, relative to the transfer of certain authority regarding the Municipal Election Committee for the purposes set forth above is hereby acknowledged by the Charleston County Board of Elections and Voter Registration.

ATTEST:

CHARLESTON COUNTY COUNCIL

By: _____

By: _____

Its: _____

Its: _____

_____, 2017

CONCURRENT WITH THE ABOVE ACCEPTANCE

CHARLESTON COUNTY BOARD OF
ELECTIONS AND VOTER REGISTRATION

By: _____

Its: _____

Date of passage of Ordinance by
Charleston County

Date of acknowledgement of
acceptance of this Agreement
by Charleston County

In light of the successful completion of 1 and 2 hereinabove, the effective date of this Ordinance and Agreement shall be on the last date of completion, which is _____, 2017.