

## Chapter 6

### ELECTIONS\*

- Sec. 6-1. Conduct of elections; reimbursement of expenses.
- Sec. 6-2. Eligibility requirements.

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\*Cross reference—Administration, Ch. 2.

State law reference—Nominations and elections for municipal offices, S.C. Code 1976, § 5-15-10 et seq.; South Carolina election law, § 7-1-10 et seq.; functions, powers and duties of municipal election commission, S.C. Code 1976, § 5-15-100; composition and terms of members of municipal election commission, S.C. Code 1976, § 5-15-90; political activities prohibited by members of local election commissions, S.C. Code 1976, § 7-13-75; qualifications for office, dual-office-holding, S.C. Const. Art. XVII, Sec. 1A; no property qualifications; duelists prohibited, S.C. Const Art. XVII, Sec. 1B.

Federal law references—South Carolina municipalities are covered jurisdictions under Voting Rights Act of 1965, 28 CFR. Pt. 51, Appendix; covered jurisdictions must obtain federal preclearance of voting changes, 42 U.S.C. § 1973c; procedure for submitting changes to U.S. attorney general, 28 CFR § 51.20 et seq.

Sec. 6-1. Conduct of elections; reimbursement of expenses.

The county registration and elections commission 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 registration and elections commission will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.

The town shall reimburse the county registration and elections commission 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 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 shall pay all fees, costs and expenses incurred in such protest or litigation. The county registration and elections commission shall provide invoices and/or other documentation to the town of all such costs and expenses incurred in the conduct of town municipal elections, protests, certification of results, litigation or other costs which may be incurred not specifically mentioned in this section.

(Ord. No. 01-02-2-11E, §§ 1-3, 2-11-02)

Editor's note—The editor has treated Ord. No. 01-02-2-11E, §§ 1-3, adopted Feb. 11, 2002, as repealing § 6-1 and enacting a new § 6-1 in its place. Former § 64 pertained to the nonpartisan municipal election for mayor and councilmembers and derived from Ord. No. 90-05-14, adopted May 14, 1990; Ord. No. 95-0740-MA, adopted July 10, 1995; and Ord. No. 7-12-99E, adopted Aug. 9, 1999.

Ord. No. 01-02-2-11E, §§ 1-3, adopted Feb. 11, 2002, shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for herein: (a) Adoption of an appropriate ordinance by the governing body of the county accepting the authority being transferred herein; and (b) Submission to the United States Justice Department and subsequent receipt of preclearance and positive responses to the transfer of authority for conducting municipal elections which would be effected herein.

Cross reference—Form of government, § 2-1.

Sec. 6-2. Eligibility requirements.

- (a) (1) The mayor and members of council shall be elected at-large from the municipality
- (2) The mayor shall be a qualified elector of the municipality from which he/she is elected. Councilpersons shall be qualified electors of the municipality from which they are elected.

(b) *Term of office.* The mayor and councilmembers shall be elected at large in November of odd numbered years for a four-year term and will take office at the first regularly scheduled meeting of the town council in January. The term of office for councilmembers shall be staggered so that one-half, or three, council members will be elected every two years. All candidates are required to live within the town limits for 30 days prior to filing for the nonpartisan general and/or special election and must be registered voters.

(c) *Mayor pro tempore.* Immediately after any general election for the municipal council, the council shall elect from its membership a mayor pro tempore for a term of two years, and to be eligible for election for two consecutive terms. The mayor pro tempore shall act as mayor during the absence of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as mayor until a successor is elected. See S.C. Code § 5-7-190.

(d.) *Oath of office.* The mayor and councilmembers, before entering upon the duties of their respective offices, shall take the following oath:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, and defend the Constitution of the State and of the United States, so help me God."

"As mayor (or council member) of the Town of Central, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected; so help me God."

(e) *Council committees.* The standing committees shall be appointed by the mayor at the first meeting of the council after inauguration to serve two years.

(f) *Elections.*

(1) *Residency requirements:* Every citizen residing within the city and qualified to vote according to the constitution and the laws of the state who has been a resident of the city for 30 days and who is an elector of the precinct in which he/she wishes to vote, when duly registered shall be entitled to vote in municipal elections.

For qualifications and registration generally, see S. C. Code § 7-440 et seq. For special provisions as to municipal elections, see S.C. Code § 7-5-610 et seq.

(2) *Registration:* The method of registration shall conform to the laws of the state relating to and governing same. For registration, see S.C. Code § 7-5-610 et seq.

(3) *Where elections held:* Every registered elector shall cast his ballot in the precinct in which he/she resides and at the polling place designated and approved for voting in countywide elections.

(4) *Voting hours:* The polls shall be opened in accordance with S.C. Code of Laws 7-123-60.

(5) *Special elections:* Special elections shall be ordered from time to time, as occasion may demand, when required or permitted by law, and shall be ordered and conducted in the manner prescribed by law. See S.C. Code §§ 7-13-190, 5-7-200, 8-1-145.

(6) *Dates for holding elections:*

a. Regular nonpartisan elections pursuant to the nonpartisan plurality method authorized in S.C. Code § 6-15-61 shall be held on the first Tuesday following the first Monday in November in each odd numbered year.

b. in the event of a tie vote for any office, a runoff election shall be held pursuant to S.C. Code § 5-15-125 two weeks following the election in which the tie vote occurred.

c. Special elections to fill vacancies shall be held pursuant to S.C. Code § 7-13-190.

*(g) Candidates for municipal office; nonpartisan elections; filings; certification of nominees.* All regular and special elections for the offices of mayor and council of the town shall be nonpartisan general elections pursuant to S.C. Code § 5-15-61. A statement of candidacy must be filed stating the intention to run for the office of mayor or council and designating the office sought shall be filed with the town clerk in accordance with the S.C. Code tit. 5-15-70. Such written statement along with a filing fee shall be filed with the town clerk not later than 12:00 noon on September 1 or, if September 1 falls on Saturday or Sunday, not later than 12:00 noon on the following Monday. Filing fees for mayor will be \$75.00 and council will be \$50.00. Each candidate must affirm, in writing, that he/she meets, or will meet by the time of the general election, the qualifications for the office sought. Any candidate who does not, or will not by the time of the general election meet the qualifications for the office sought shall not have his/her name placed on the ballot. The municipality shall certify the filing results to the county registration and elections commission within 24 hours of the closing of the filing

*(h) Qualifications.* Each candidate for municipal office shall be a qualified registered elector. He/she shall meet the legal requirements as to residence in the state, county, and town and shall have a legal registration certificate which shall be not less than 30 days old at the date of the election, and shall have his/her name on the district book of registration.

*(i) Failure to sign pledge and pay fee.* Any candidate for municipal office failing or refusing to sign the required pledge and pay the town clerk the required fee shall not be considered an official candidate and his/her name shall not be printed on the official ballot.

*(j) Responsibility of conducting elections.* The authority and responsibility of conducting elections shall be that of the county registration and elections commission as set forth by ordinance duly passed by the governing body of the municipality and governed by the code of laws of the state.

*(k) Notice of election.* See S.C. Code § 7-13-35.

*(l) Managers of election.* See S.C. Code § 7-13-72.

*(m) Determination of results.* Election results shall be determined according to the election nonpartisan plurality method described in S.C. Code § 5-15-61.

(Ord. No. 90-05-14, 5-14-90; Ord. No. 92-05-11, 5-11-92; Ord. No. 94-5-9-E, 5-6-94; Ord. No. 95-07-10-E, 7-10-95; Ord. No. 1-99, 3-8-99; Ord. No. 7-12-99E, 8-9-99; Ord. No. 02-02-2-11E, 2-11-02)

State law reference—See S.C. Code § 5-15-20

Editor's note—See editor's note following section 6-1.