



TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
APPLICATION TO SERVE ON A TOWN BOARD/COMMISSION
DEADLINE: 12NOON, Tuesday, August 16, 2016

PLEASE COMPLETE ALL OF THE FOLLOWING FOR POSSIBLE PARTICIPATION

1. NAME: _____

2. MAILING ADDRESS: _____

3. TELEPHONE NUMBER(S):
Home: _____ Work: _____ Cell: _____

4. E-MAIL ADDRESS: _____

5. Are you a registered voter on Sullivan's Island? Yes _____ No _____

6. Have you ever plead guilty, no contest or been convicted of a crime? If yes, please provide additional information: _____

The Town reserves the right to conduct a background check and additional information may be requested from you.

7. Indicate the real properties on Sullivan's Island in which you have a proprietary interest, identifying your primary residence:

8. Please disclose any circumstances which might pose a conflict of interest in executing your responsibilities as a member of any Board or Commission for which you are applying:

9. Please indicate that you wish to be considered for selection to a Board or Commission and, if selected, you are prepared to serve through the term below. Indicate 1 for first choice; 2 for second choice:

Planning Commission	_____	3 seats (3 yr term expiring 8/31/2019)
Board of Zoning Appeals	_____	2 seats (3 yr. term expiring 8/31/2019)
Design Review Board	_____	4 seats (3 yr. term expiring 8/31/2019)
Municipal Election Commission	_____	1 seat (6 yr. term expiring 8/31/2022)
Tree Commission	_____	2 seats (3 yr. term expiring 8/31/2019)

NOTE:

No member of a Town Board or Commission may hold an elected office in the Town of Sullivan's Island or County of Charleston.

If appointed, you must successfully complete a minimum of six (6) hours State mandated planning and zoning training as soon as possible, plus required continued education thereafter. (S.C. Code §§ 6-29-1340-6-29-1370; §5-15-90 (for Municipal Election Commission) Failure to complete required training will result in discontinuation of service and ineligibility for re-appointment (§6-29-1380)

(Initial)

You must return a completed Town questionnaire for your desired Board/Commission(s) for consideration and a personal resume is encouraged.

By signing herein, I have read and understand the requirements for serving as a member of the Commission &/or Board requested and attest the information provided is accurate.

Applicant signature

Date

Questions: Lisa Darrow (843-883-5744; ldarrow@sullivansisland-sc.com) at Town Hall (2050-B Middle Street) or Administrator Andy Benke (843-883-5726; abenke@sullivansisland-sc.com)



TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA

**MUNICIPAL ELECTION COMMISSION
QUESTIONNAIRE**

1. Why do you wish to serve on the Municipal Election Commission?
2. The Election Commission meets primarily around regular municipal election cycles (elections are held every two years in May on odd years) and any necessary special elections. Would you be prepared to serve in this cyclical capacity?
3. Please read the attached summary information regarding an Election Commission and review the Town's Code regarding this Commission (Chapter 6, Elections). As you can see, the Election Commission operates within a well-defined framework. Please state how you would apply your judgment, knowledge and experience while working within this type of structure.
4. What do you think should be the role of the Municipal Election Commission in a municipal election? What about a general election? How would you use your knowledge and/or experience to fulfill this role?
5. How would you handle candidates and/or supporters of candidates who campaign in the poll location?
6. What would you do if a business associate, client or family member were to come before you and ask for your endorsement of their candidacy and/or help with the campaign?
7. Do you have any potential conflicts of interest that would keep you from impartially serving as a member of the Municipal Election Commission?

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Lisa Darrow (843-883-5744; abenke@sullivansisland-sc.com) or Administrator Andy Benke (843-883-5726; abenke@sullivansisland-sc.com) at Town Hall (2050-B Middle Street or mail to PO Box 427) **by 12NOON on Tuesday, August 16, 2016.**

CHAPTER 6

ELECTIONS¹

- Sec. 6-1. Adoption of non-partisan and run-off method.
- 6-2. At-large election of Town Council.
- 6-3. Determination of majority vote.
- 6-4. Run-off election procedure.
- 6-5. Regular election date and beginning of term of office.
- 6-6. Nominations by petition; contents of petition.
- 6-7. Notice of election date and deadline for filing.
- 6-8. Qualification of elected officers; procedure when results are contested.

Sec. 6-1. Adoption of non-partisan and run-off method.

All regular and special elections for the offices of Mayor and Town Council of the Town of Sullivan's Island held after this date shall be conducted under the non-partisan election and run-off election method as prescribed in Section 5-15-62, Code of Laws, as amended. (3-19-79)

Sec. 6-2. At-large election of Town Council.

Members of the Town Council shall be elected from the Town of Sullivan's Island at large. (3-19-79)

Sec. 6-3. Determination of majority vote.

Results in elections conducted on Sullivan's Island shall be determined by a majority of the votes cast. A majority within the meaning of this chapter shall be determined as follows:

A. When more than one person is seeking election to a single office, the majority shall be ascertained by dividing the total votes cast for all candidates by two. Any excess of the sum so ascertained shall be a majority and the candidate who obtains a majority shall be declared elected.

B. When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, the majority shall be ascertained by dividing the total votes cast for all candidates by the number of offices to be filled and by dividing the results by two. Any excess of the sum so ascertained shall be a majority and the candidates who obtain a majority shall be declared elected. If more candidates obtain a majority than there are offices to be filled, those having the highest vote (equal to the number of offices to be filled) shall be declared elected.

¹ For parallel state law, see Title 5, Chapter 15, South Carolina.

Sec. 6-4. Run-off Election procedure.

If no candidate for a single office receives a majority of the votes cast in the first election or if an insufficient number of candidates receives a majority of the votes cast for a group of offices, a run-off election shall be held as herein provided:

A. If no candidate for a single office receives a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between the two candidates receiving the largest number of votes in the first election who do not withdraw. The candidates receiving a majority of the votes cast in the run-off election shall be declared elected.

B. If two or more offices (constituting a group) are to be filled and aspirants for some or all of the positions within the group do not receive a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between one more than the number of candidates necessary to fill the vacant offices. The candidates receiving the highest number of votes cast in the second election equal in number to the number to be elected shall be declared elected. (3-19-79)

Sec. 6-5 Regular election date and beginning of term.

All regular general elections for the office of Mayor and the offices of Town Council Members shall be held on the first (1st) Tuesday in May. The terms of office of persons elected in a regular election shall begin at the last regular meeting in June, and terms of those elected in special elections shall begin at the first regular meeting of Council following their election and qualification.²

Sec. 6-6. Nominations by petition; contents of petition.³

Nominations for public office shall be by petition; said petitions shall be filed with the Municipal Election Commission by 12:00 noon 75 days before the election and shall bear the signatures of not less than five (5%) percent of the number of qualified registered electors of the Town of Sullivan's Island. Each petition shall also contain a statement of the purpose of the petition, the name of the candidate, the office sought, the date of the election, signature and printed name of the voter, the address of residence where registered and precinct of the voter of those signing and shall be on good quality original bond paper sized 8-1/2 inches by 14 inches. No single petition should contain the signature of registered voters from different counties. The signatures of registered voters

² See S2-6 of this Code and S5-7-200 of State Code regarding special elections. Also see S2-9 of this Code regarding temporary holdover when successor has not qualified.

³ For state law requiring filing of economic interest statements with petition, see Act No. 373, approved by Governor April 22, 1980, which amends Section 8-14-610, effective 1-1-81.

should be numbered consecutively. Petitions with more than one page must have pages consecutively numbered when filing with the municipal clerk. All petition candidates must also submit their Statement of Economic Interest to the Municipal Election Commission when filing their petition. (3-19-79) (10-19-04)

Sec. 6-7. Notice of election date and deadline for filing.⁴

The Municipal Election Commission shall give public notice twice of all elections, the first notice published at least sixty (60) days prior thereto, noting therein the date of the election and the deadline for filing petitions with the Municipal Election Commission. The second notice must be published not later than two weeks after the first notice. The notice must contain the following information:

1. The last date one can register to be eligible to vote in the upcoming election;
2. The date, time and location any hearing on challenged ballots will be held;
3. The precincts involved in the election and the polling places in those precincts;
4. The time and place absentee ballots will be counted;
5. Information instructing potential candidates on how to file for office in an election.

(3-19-79)(10-19-04)

Sec. 6-8. Qualification of elected officers; procedure when results are contested.

Newly-elected officers shall not be qualified until at least forty-eight (48) hours after the closing of the polls and in the case a contest is filed, the incumbent shall hold over until the contest is finally determined. (3-18-79)

⁴ For state law as to notice, see S. C. Code, 1976, as amended, Section 5-15-50.

2014



Municipal Election Handbook

Municipal Association of South Carolina

Municipal Election Commission Handbook

April 2014

Document purpose

The *Municipal Election Handbook*, prepared by the Municipal Association of South Carolina and the South Carolina State Election Commission, contains reference materials and instructions for use by municipal election commissioners, municipal clerks and county election commission staff in supporting municipal elections.

The handbook does not replace state law or municipal and county ordinances. Statutory references or citations are current as of the date of this publication or revision dates.

Contact information

Municipal Association of South Carolina

1411 Gervais Street
PO Box 12109
Columbia SC 29211
803.799.9574
803.933.1299 fax
www.masc.sc

S.C. Election Commission

2221 Devine Street, Suite 105
PO Box 5987
Columbia SC 29250
803.734.9060
803.734.9366 fax
www.scvotes.org

S.C. Ethics Commission

5000 Thurmond Mall, Suite 250
Columbia SC 29201
803.253.4192
803.253.7539 fax
ethics.sc.gov

Municipal Election Commission Members:

Phone:

County Election Commission Contacts:

Phone:

Throughout this handbook, references to sections of the S.C. Code of Laws, as amended, are shown in the following format: SC Code 5-15-70. This example represents Title 5, Chapter 15, Section 70.

Training available to municipal election commissions

Along with this handbook, the county election commission, Municipal Association of SC, and the State Election Commission provide education and information about conducting elections. Municipal Election Commissions are required by law to be certified. The State Election Commission conducts the training and certification classes for the MECs.

Certification is granted upon the completion of three courses:

1. Duties of the MEC (online)
2. Online Poll Manager Training (online)
3. Protest Hearings (in person)

The municipal clerk should contact the State Election Commission for the Protest Hearing class schedule. Notifications for upcoming classes will appear in the Municipal Association's weekly email blast, Uptown Update. Download the registration form from scVOTES.org. Complete the form and return it to the State Election Commission by email, fax or mail. The course fee is \$25. Advance payment is appreciated.

For the online classes, the Commission will provide the municipal clerk with a user name and password for participants. There is no charge for the online courses.

Email: elections@elections.sc.gov
Fax: 803.734.9366
Mail: State Election Commission
PO Box 5987
Columbia, SC 29250

Appointment and terms

Although state law authorizes municipalities to hold elections, a municipal election commission must conduct those elections. Every municipality must have an MEC and keep it on a continuous basis. The municipal clerk often assists the MEC.

The MEC consists of three residents and registered voters of the municipality. Each member must continue to be a registered voter of the municipality throughout the appointment. The municipal governing body (mayor and/or council) appoints members to the MEC. If there is no MEC, the mayor and/or council must appoint one.

Each MEC member serves a six-year staggered term. When initially established, the MEC will have one member with a two-year term, one with a four-year term and the third with a six-year term. After the initial appointments, each appointment should be for a six-year term. The local governing body may reappoint the same members as their terms expire or may appoint new members (SC Code 5-15-90).

Municipalities whose elections are held in conjunction with county and state elections

The following filing information is intended for municipalities that hold their general elections along with the county and state general elections on the first Tuesday following the first Monday in November of even-numbered years. Filing deadlines run concurrent with deadlines for county and state candidates.

Petition candidates must file no later than noon, July 15. Candidates who file by Statement of Intention of Candidacy must file no later than noon, August 15. If the deadline falls on a Saturday or Sunday, the deadline is extended to no later than noon on the following Monday.

The candidate deadlines listed in the following pages are for municipalities who hold their elections on a separate date from county and state general elections.

Seven months prior to an election

The municipal election commission should allow at least six to seven months for planning and conducting an election.

Overall duties of the MEC

- Publish election notices
- Appoint and train poll managers
- Provide information to the county election commission for preparing voting machines and equipment
- Distribute ballots
- Oversee ballot tabulation
- Certify candidates and election results
- Hear protests

Political activity of the MEC

MEC board members cannot participate in the political management or in a political campaign over whose election the member has jurisdiction during the member's term of office. No member may contribute to a candidate or knowingly attend a fundraiser held for the candidate's benefit over whose election the member has jurisdiction. Violation subjects the member to removal by the appropriate appointive authority (SC Code 7-13-75).

Transferring duties or abolishing the MEC

S.C. Code of Laws Section 5-15-145 allows a municipality to transfer part or all of the MEC's authority for conducting elections to the county election commission. The governing bodies of the municipality and the county must agree to the transfer terms and enact ordinances according to the terms of that agreement. If the municipality transfers all responsibility to the county election commission, the MEC is abolished. See section "*Transfer of Authority to County Election Commission for Conducting Municipal Elections.*"

Required Freedom of Information Act notices prior to MEC meetings

As a public body, the MEC is subject to Freedom of Information Act requirements. The MEC must post a public notice at least 24 hours prior to any meeting, including protest hearings. The meeting notice must include the date, time, location and agenda. It must be posted in a public location, such as city hall.

First MEC meeting

A quorum (at least two members) must be present to conduct business. Items to cover at the meeting:

1. If MEC members have not already done so, they must take the oath (below) required under SC Code 7-13-70. This oath is usually given by anyone authorized to administer oaths, such as notaries public or judges.

“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 appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God.”
2. Elect a chairperson.
3. Review state, county and municipal election laws.
 - Occasionally, the South Carolina General Assembly will amend election laws. These changes may require local governments to update their election ordinances or procedures. To review current laws, MEC members should contact the municipality’s attorney or the State Election Commission.
4. Update local election ordinance. This ordinance should include
 - Which council seats are to be elected during which election, and when the mayor is to be elected.
 - The day for the general election. Although some municipalities may need to enact an ordinance for every election, many choose a specific day, such as the first Tuesday following the first Monday in a specific month. Municipalities with a specified day do not need to enact a new ordinance for each general election.
 - Filing opening and closing days and times.
 - Filing fees.
 - Whether the municipality has nonpartisan or partisan elections.
 - If partisan, the time for accepting nominations and holding primaries.
 - If nonpartisan, filing is either by petition or statement of intention of candidacy.
 - If nonpartisan, method of determining results.
 - plurality (SC Code 5-15-61),
 - majority and runoff (SC Code 5-15-62) or
 - nonpartisan primary and general election (SC Code 5-15-63)
5. Develop a calendar of key dates showing who is responsible for each item. Contact the county election commission with information on the election date/type and which polling places will be used.
6. Determine the use of voting machines. The MEC must contact the county election commission to request use of the voting machines. The county election commission will determine the number of voting machines necessary to conduct the election.

New Photo ID requirements now in effect

State law now requires voters to provide a Photo ID at the polls. These changes took effect on January 1, 2013.

While some municipalities have transferred election authority to the county, all municipal election officials need to be aware of these changes. MECs that continue to conduct elections have new responsibilities under the law and must take steps to ensure these responsibilities are met.

Voters will be asked to show one of the following Photo IDs at the polling place:

- S. C. Driver's License
- ID Card issued by the S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with photo
- Federal Military ID
- U.S. Passport

Voters who have one of the IDs listed above can vote.

Voters who do not have one of the IDs listed above should get one before voting. Free Photo IDs are available at the Department of Motor Vehicles or at each county voter registration office.

Voters without Photo ID and trying to vote

If a voter has a Photo ID but forgets to bring it with him to vote, he has two options:

1. Retrieve his Photo ID and return to the polling place to vote.
2. Vote a provisional ballot and present his Photo ID to the county/MEC prior to the provisional ballot hearing. The ballot will **not** count unless the voter presents his Photo ID to the commission by the deadline.

MECs must ensure the name of any voter that provides Photo ID during this time is recorded on a list. At the provisional ballot hearing, the MEC will rule to count the provisional ballots cast by voters who have since provided the proper ID. If a voter cannot get a Photo ID prior to Election Day, the voter will be allowed to vote after presenting his nonphoto voter registration card and signing an affidavit stating he has a reasonable impediment to obtaining Photo ID. The reasonable impediment could be a disability or illness, a conflict with the voter's work schedule, lack of transportation, a religious objection to being photographed, or any other obstacle the voter finds reasonable.

MECs must count provisional ballots cast under the reasonable impediment exception unless someone proves the voter lied on the affidavit. Evidence would have to be presented to the MEC proving the voter lied. Without such evidence, the MEC must rule to count these ballots. The MEC may not judge whether the listed impediment is reasonable. Only the voter determines whether the listed impediment is reasonable. The MEC can rule only on whether the voter lied on his affidavit—either about his identity or about having the listed impediment.

In addition to the items above, MECs must provide poll managers with

- updated poll manager training
- updated poll managers handbooks
- Photo ID posters for the polling place
- updated provisional ballot envelopes
- updated notices of provisional ballot hearing

Contact your county voter registration and elections office to request training for poll managers and municipal election officials, Photo ID materials, and voter education events in your town.

Four months prior to an election

The municipal election commission should ensure the availability of all polling places and contact the person responsible for providing access to these places, including any locked gates and doors. The MEC should prepare a list of these people with their names and contact information along with any backup contact information.

The MEC should provide the county election commission with the municipal election date and request use of the voting machines, personal electronic ballots, communication packs and all other equipment necessary to conduct an election. The MEC should ask the county election commission to order a voter registration list for the election at this time, even though the registration list will not be complete until voter registration closes 30 days before the election. Once registration closes, the list will not be available until a few days prior to the election.

Voter registration list/electronic voter registration list

The MEC can use either a paper or electronic voter registration list for each polling place. The paper list is a computer printout containing the names, addresses and other information for each voter in a precinct. The electronic list contains the same information. If more than one precinct is included in an election, the electronic list may include all precinct voter information. The electronic list requires the use of a laptop computer. The MEC should contact the county election commission to discuss these options.

Poll managers

The MEC should identify and contact poll managers to determine who can serve in the upcoming election.

All who work at the polls are referred to as poll managers or managers. Those in charge of polling places and responsible for obtaining/returning voting machines and supplies are referred to as poll clerks or clerks.

The MEC must appoint three poll managers for the first 500 registered voters in a precinct and one for each additional 500 registered voters in the precinct. The MEC appoints a poll clerk from among the managers at each polling place. The poll managers must take their oath at the polls prior to opening on Election Day. Poll managers do not have to be registered voters in the municipality; however, they must be registered voters of the county or an adjoining county. Poll managers may not be MEC members; candidates; candidates' spouses; or parents, children, brothers or sisters of a candidate whose name appears on the ballot (SC Code 7-13-72).

The MEC must ensure poll managers receive training within 30 days of the election—preferably within two weeks of the election. The MEC may choose to do in-person training, online training or a combination of both. In-person training is recommended for new poll managers. If there has been a significant change in procedures or if there are training issues specific to your election, training is also recommended for poll managers who have not worked an election recently. The county election commission may be willing to assist with in-person training. A poll manager training PowerPoint presentation is available from the county election commission or State Election Commission. To provide access to online poll manager training, the municipal clerk should contact the county election commission. The county election commission will add the poll managers to the online training program.

Public notice

The MEC must publish two election notices prior to each election. The notices must be published in a newspaper of general circulation in the municipality. The first notice must be published no later than 60 days before the election, but the best practice is to publish the notice approximately 90 days before the election. The second notice must be published exactly two weeks after the first notice (SC Code 7-13-35).

The notice must contain the following information:

1. the date of the election.
2. the last date someone can register to be eligible to vote in the upcoming election.
3. the precincts involved in the election and the polling places in those precincts. Include specific addresses for each polling place.
4. the date, time and location of the hearing on provisional (challenged) ballots.
5. notification that the process of examining return-addressed absentee envelopes will begin at 9 a.m. on Election Day.

Candidate filing information may also be included:

1. which offices are to be elected
2. filing opening and closing dates and specific times
3. filing fees (if there is no filing fee, state this in the notice)
4. location of where candidates file

Sample public notices are located in sections “Sample Nonpartisan Public Notice” and “Sample Partisan Public Notice.”

Note: If the municipality conducts its general election in conjunction with the county and state general election date (the first Tuesday following the first Monday in November of the even-numbered years), filing deadlines run concurrent with deadlines for county and state candidates.

Petition candidates must file no later than noon on July 15. Candidates who file by a Statement of Intention of Candidacy must file no later than noon on August 15. If either deadline falls on a Saturday or Sunday, the deadline is extended to no later than noon on the following Monday.

Municipalities must publish the public notice, including filing information, early enough to allow for the filing period outlined above.

75 days prior to an election

Filing by Petition

Candidates must file petitions no later than 75 days before an election. The municipal election commission must review pertinent municipal ordinances to verify any specific filing periods. The MEC may designate the municipal clerk to receive petitions (SC Code 5-15-70).

Note: The petition deadline is different for municipalities that hold general elections along with the county and state election date (the first Tuesday following the first Monday in November of the even numbered years. This petition deadline is noon on July 15. If the deadline falls on a Saturday or Sunday, the deadline is extended to no later than noon on the following Monday (SC Code 7-13-351).

Petitions are available from www.scvotes.org under the “Candidates” section.

Petitions must have valid signatures from at least 5 percent of the registered voters from the geographical area of the office. No single petition page should contain the signature of registered voters from different counties. Consecutively number all signatures of registered voters. Petitions with more than one page must have the pages consecutively numbered (SC Code 7-11-80).

The MEC is responsible for counting the signatures on the petition to determine the total number of signatures on the petition. In practice, the municipal clerk usually handles the actual counting procedure. The counting must be performed in the presence of the candidate or person submitting the petition. The person(s) submitting the petition can help count the signatures. The goal of counting the signatures is to come to an agreement on the number submitted so there is no disagreement at a later date or claim of discrepancy between the number of signatures submitted and the number checked. This is not the signature verification process. The county election commission handles that procedure.

If the petition does not appear to be in proper order or does not contain a sufficient number of potentially valid signatures, the person submitting the petition may decide not to submit the petition until he remedies these issues.

A petition receipt must be given to the person filing the petition. Receipts should contain the candidate’s name, contact information, number of petition pages, number of signatures, date and time of the submission, and a location for the person receiving the petition to sign to, acknowledge receipt of the petition.

The county election commission provides petition receipts. A sample is located in this handbook.

Once filed, neither additional signatures nor any other information can be added to a petition. When filed, the petition is considered complete (SC Code 7-9-10, 7-13-351, AG Opinion – November 18, 1977).

Verifying the petition

After receiving the petition, the MEC has 15 days to verify the signatures to approve and verify the petition (SC Code 7-11-85). As soon as possible after receiving the petition, the MEC should submit the petition to the county voter registration office. The county voter registration office verifies the qualifications of the signers and notifies the MEC of the results. The MEC must receive petition results by noon on the 60th day before the scheduled election. The MEC notifies the candidate of the verification results.

State Ethics Commission filing forms for petition candidates

Petition candidates must electronically file the following documents through the State Ethics Commission website at ethics.sc.gov:

- Statement of Economic Interests
- Campaign Disclosure

It is the candidate's responsibility to file the SEI and CD. The filing officer should inform candidates that they are required to file these documents and refer candidates to the State Ethics Commission for more information. While candidates may be fined by the Ethics Commission if they fail to file these documents, failure to file the documents has no effect on ballot access. Candidates are not required to provide copies of these documents to the MEC.

At the close of filing, the MEC must prepare a candidates roster and file it with the State Ethics Commission. The roster includes the names of all candidates who filed. The form is available on the Ethics Commission website. It must be filed within five days after filing closes.

Copies of petitions

Petitions and their related documents are permanent records and are subject to Freedom of Information Act provisions. Requests for copies of petitions should be directed to the MEC. The MEC should provide copies of petitions to those requesting them as soon as possible.

Any social security numbers contained in the petition must be redacted before making the petition public. Scanning the petition and distributing it electronically is particularly helpful when you have more than one request for copies. Software programs such as Adobe Acrobat Professional include redaction tools that simplify this process. The MEC may charge reasonable preparation and copy fees. It should follow policies established by the municipality.

60 days prior to an election

Nonpartisan candidates filing by Statement of Intention of Candidacy

If the municipality has determined that nonpartisan candidates file by Statement of Intention of Candidacy, candidates must file these statements, along with any filing fees, no later than 60 days prior to an election. The municipal election commission should review pertinent municipal ordinances to verify any specific filing periods. The MEC may designate the municipal clerk to receive Statement of Intention of Candidacy forms and filing fees. The receiving authority must complete the “Received By” section at the bottom of the Statement of Intention of Candidacy (SC Code 5-15-70).

Note: The Statement of Intention of Candidacy deadline is different for municipalities whose general elections are held at the same time as the county and state election date (the first Tuesday following the first Monday in November of the even numbered years). The deadline is noon on August 15. If the deadline falls on a Saturday or Sunday, the deadline is extended to no later than noon on the following Monday (SC Code 7-13-352).

Statement of Intention of Candidacy forms are available from www.scvotes.org under the “Candidates” section. A sample is included in this handbook.

Partisan candidates filing by primary or convention method of nomination

Municipal political parties may nominate candidates by primary or convention. The municipal governing body determines, by ordinance, the times for filing and holding primary elections or conventions. The parties conduct primaries or conventions according to this period. Although the MEC is not involved in these primaries or conventions, candidates nominated by a political party must be certified to the MEC no later than the 60th day prior to the election (SC Code 5-15-70).

If the political party requires filing fees, the candidate pays the fees to the political party.

State Ethics Commission filing forms for nonpartisan candidates

All candidates must electronically file the following documents through the State Ethics Commission website at ethics.sc.gov:

- Statement of Economic Interests
- Campaign Disclosure

It is the candidate’s responsibility to file the SEI and CD. The filing officer should inform candidates that they are required to file these documents and refer candidates to the State Ethics Commission for more information. While candidates may be fined by the Ethics Commission if they fail to file these documents, failure to file the documents has no effect on ballot access. Candidates are not required to provide copies of these documents to the MEC.

At the close of filing, the MEC must prepare a candidates roster and file it with the State Ethics Commission. The roster includes the names of all candidates who filed. The form is available at the Ethics Commission website and must be filed within five days after filing closes.

Verify candidate qualifications

In nonpartisan elections, the MEC is required to verify candidate qualifications and certify that the candidates are qualified. The MEC should work with the county voter registration and elections office to verify the following, minimum qualifications:

- at least 18-years-old
- active, registered voter
- resident of the municipality for 30 days
- resident of the ward/district (if applicable)

Additional qualifications can be found in the candidates section of scVOTES.org.

When an election may not have to be held

A municipality does not have to hold an election if only one candidate has filed for the office and no person has filed a “declaration” to be a write-in candidate within 14 days after the filing period closes (SC Code 7-13-190 (E)). This law applies to elections for multiple seats as well. For example, three seats are up for election and three people file. In this example, the MEC may not have to hold an election.

The write-in declaration may be a signed statement by the write-in candidate stating his intention of running as a write-in candidate, the name and date of the election, and the office sought. The write-in candidate’s name does not appear on the ballot. The ballot will contain a write-in location.

Caution: A September 4, 2003, Attorney General’s opinion concluded this statute’s restriction on write-in voting is “constitutionally suspect.”

Absentee ballots

The MEC is responsible for ensuring that the county voter registration office has absentee ballots available for voters. The county election commission can prepare optical scan absentee ballots. The MEC should contact the county voter registration and elections office and provide a copy of each candidate’s Statement of Intention of Candidacy. The MEC should proof the absentee ballots prior to printing. The number of absentee ballots printed must not exceed 15 percent of the number of registered voters for the election. Absentee ballots must be available to voters no later than 45 days before the election (SC Code 7-15-360). **Requirements for candidate’s name**

The candidate may use his given name, a derivative of the given name, a nickname bearing no relation to the given name, or any combination of the three. The nickname must be used in good faith for honest purposes and may not be longer than 15 characters. The derivative name or nickname may not imply professional or social status, an office or military rank. The Statement of Intention of Candidacy will show how the candidate’s name will appear on the ballot (SC Code 7-13-325).

For nonpartisan elections, names appear on the ballot in alphabetical order. For partisan elections, the names appear on the ballot in the party order of the previous statewide general election. The county election commission can provide this party order (SC Code 7-13-335).

Write-ins on a ballot

The MEC must provide a space for a write-in candidate for each office. If there is one office on the ballot, there must be one space for a write-in. If there are two offices on the ballot, there must be two spaces for write-ins, and so on. Primary ballots do not include a write-in space. Runoff ballots do not include a write-in space (SC Code 7-13-360).

Sample ballots

Although not required, the MEC may provide unnumbered sample ballots, clearly marked “SAMPLE” for distribution to candidates, the media and the public.

30 days prior to an election

Absentee ballots must be available 30 days prior to an election. The municipal election commission should arrange with the county election commission where and how to count absentee ballots on Election Day.

By 30 days prior to Election Day, the county election commission must have begun preparing the voting machines, personal electronic ballots and communication packs that will be used.

The MEC must make arrangements with the county election commission and the clerk of each precinct for pick up or delivery of voting machines, personal electronic ballots, communications pack, voter registration list, poll list, equipment, and supplies used at the polling place. Equipment includes the voting machines and a communications pack equipped with the personal electronic ballots and printer. Supplies include the voter registration list, poll list, emergency/provisional ballots, provisional ballot envelopes, notices of provisional ballot hearing, a ballot box, seals or locks for the ballot box, change of address forms, poll manager identification badges, and polling place information posters. Additional supplies provided by the county election commission may include pens, pencils, poll manager handbook and other procedural information.

Poll manager training

The MEC must ensure poll managers receive training within 30 days of the election—preferably within two weeks of the election. The MEC may choose to do in-person training, online training, or a combination of both. In-person training is recommended for new poll managers, for poll managers who haven't worked in a while, if there's been a significant change in procedures, and if there are training issues specific to your election. Your county election commission may be willing to assist with in-person training. A poll manager training PowerPoint presentation is available from your county election commission or State Election Commission. To provide access to online poll manager training, the municipal clerk should contact the county election commission. The county election commission will add the poll managers to the online training program.

Poll manager handbooks are available at www.scvotes.org under the "Poll Workers" section. The county election commission can provide paper versions of this handbook.

Emergency/provisional ballots

The MEC must arrange with the county election commission to print emergency/provisional ballots. It must order emergency/provisional ballots not to exceed 10 percent of the number of registered voters in a precinct. These ballots must be available to voters at the polls on Election Day. The MEC must determine where and how to tabulate the emergency/provisional ballots. Depending on the number of ballots, this may be done at the polling place or at the county election commission office (SC Code 7-13-430).

Failsafe ballots

State law requires failsafe ballots if the municipality has an election for municipal-wide offices such as mayor or council elected by all voters. Voters who have lived in the municipality for at least 30 days but are registered to vote in another precinct in the municipality or in the county will use these ballots. The MEC should determine if failsafe ballots are required at the polls. Failsafe ballots will only contain municipal-wide offices including mayor, council (if council seats are municipal-wide), and other municipal-wide offices. If the election contains only district offices, failsafe ballots are not necessary.

The MEC must order failsafe ballots not to exceed 5 percent of the number of registered voters in a precinct. It should determine where and how to tabulate failsafe ballots. Depending on the number of ballots, this may be done at the polling place or at the county election commission office (7-13-430 (C)).

5 days prior to an election

Voter registration list picked up from the county board of voter registration

The municipal election commission should pick up the voter registration list from the county board of registration as soon as it receives notice the list is ready. After receiving the list, the MEC should make sure that the county board has noted all voters who have received an absentee ballot. If people vote by absentee ballot after the MEC receives the list, it is the MEC's responsibility to mark the appropriate voter registration list accordingly. The MEC must obtain a list of such voters from the county voter registration board either on the day before the election or on election morning. The MEC must mark each voter registration list as early as possible by placing an "ABS" next to each voter's name who has voted absentee since the MEC received the listing from the county board of registration.

Assemble voting materials for each polling place

Items listed in the previous section should be packaged and ready for distribution to each poll clerk and polling place. The MEC must ensure these materials are distributed prior to the election.

Verify polling places are accessible and available

MEC members should check each polling place to ensure it will be ready for Election Day. The polling place should be available from approximately 6 a.m. until 8 p.m. This extended time will allow poll managers to have ample time to open the voting machines before 7 a.m. then tabulate and close the voting machines after 7 p.m. The MEC should also make sure keys are available for any doors or gates that may be locked on election morning.

1 day prior to an election

Poll clerk picks up voting machines, other equipment and supplies

The municipal election commission will have arranged with the county election commission and the clerk of each polling place for all necessary equipment and supplies to be available. Usually the voting machines are picked up at the county election commission office, but some county election commissions will deliver the voting machines to a polling place the day before. The clerk will receive at the county election commission office a communications pack equipped with the personal electronic ballots and printer. The MEC must ensure the voter registration list and poll list were received from the county voter registration and elections office and delivered to the poll managers or polling places.

The clerk/poll manager should immediately check the list of supplies against the actual supplies received. If any are missing, the clerk/poll manager should notify the county election commission to receive the correct supplies. **Give each clerk/poll manager a telephone number for election headquarters.**

The MEC should have a location with a telephone that will serve as election headquarters. Many times this is the municipal clerk's office or the county election commission.

Election day

Poll managers should arrive at least 45 minutes prior to the polls being open at 7 a.m.

Municipal election commission members should be available during the hours the polls are open (7 a.m. - 7 p.m.) on Election Day. Many MECs plan shifts during the day, so at least one member is “on call.”

Poll managers’ oaths

Poll clerks and managers are required to take two oaths.

1. After their appointment, the clerks and managers must take and sign, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution.

“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 appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God.”

The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State (SC Code 7-13-72).

2. Before opening the polls on Election Day, poll managers must take and sign the following oath.

“We do solemnly swear that we will conduct this election according to law and will allow no person to vote who is not entitled by law to vote in the election, and we will not unlawfully assist any voter to prepare his ballot and will not advise any voter as to how he should vote at this election.”

Keep this oath on file along with the ballots and other election materials from that precinct (SC Code 7-13-100).

Best Practice: The MEC should place both oaths on one form and include it in the precinct supplies. Each manager signs the form attesting to both oaths. After the election, copies should be filed with the county clerk of court. The original forms should be kept with the election materials for that precinct. This practice simplifies the dual oaths into one process while ensuring compliance with the law.

A sample oath page is located in this handbook.

Use of optical scan ballots

Optical scan ballots may be used for only three purposes:

1. Provisional ballots
2. Failsafe ballots (if a voter has moved into another precinct but did not change his voter registration address)
3. Emergency ballots (if voting machines in a polling place become inoperable)

Except for the reasons listed above, a voter must use the voting machine (SC Code 7-13-810, 7-5-440, 7-13-430).

Poll managers should use emergency/provisional ballots if voting machines in a polling place are inoperative, and in their judgment, the inoperative machines are causing delays in the voting process. Use the emergency/provisional ballots as necessary until the inoperative machines are repaired or replaced. If the supply of emergency/provisional ballots is exhausted, unofficial ballots must be prepared and used.

Provisional (challenged) ballots

Provisional ballots (challenged ballots) are cast at the polls on Election Day. The MEC determines whether a provisional ballot is counted at the provisional ballot hearing prior to certification. Provisional ballots result from four basic situations:

1. If a voter has moved from one precinct to another within the city, the voter may vote a failsafe provisional ballot in his former precinct of residence. The ballot is limited to only citywide offices. The voter has the option of voting a full ballot at the county voter registration office. The failsafe provisional ballot is counted if the change of address is complete and the voter has been a resident of the municipality for 30 days.
2. If a voter forgets to bring his Photo ID to the polling place, he votes a provisional ballot that is counted only if he brings his Photo ID to the MEC prior to certification of the election. The MEC must keep a list of these voters.
3. If a voter does not have a Photo ID, he can provide his paper voter registration card without a photo and complete an affidavit stating his name and reason for not getting a Photo ID (also known as the reasonable impediment to obtaining Photo ID). The voter may then vote a provisional ballot. This provisional ballot will be counted unless someone proves to the MEC that the person lied about his identity or about having the listed impediment.
4. If any voter or poll manager believes a person is not entitled to vote in the election, and the voter insists on voting, the voter casts a provisional ballot. The reason for the challenge is recorded on the provisional ballot envelope.

When a voter's ballot is challenged, the poll manager must provide notice to both the challenger and the challenged voter of the time and place that the MEC will hold the provisional ballot hearing.

The Notice of Provisional Ballot Hearing provided by the county election commission should be used as the notification. The clerk or poll manager completes this form (SC Code 7-13-830).

Complete the Provisional Ballot Envelope for any voter voting a provisional ballot.

Tabulating and reporting absentee ballots

The MEC is responsible for tabulating and reporting absentee ballot results. The county election commission can tabulate the optical scan absentee ballots and provide the results to the MEC. If the public notice stated that the absentee ballot envelope examination would begin at 9 a.m. on Election Day, the process must begin at 9 a.m. If the public notice did not state this time, the process must begin at or after 7 p.m. The MEC may not release absentee ballot totals until the polls close.

Examining absentee ballots begins by viewing the return-addressed envelopes to ensure the voter properly completed the oath on the back of the envelope. Watchers may be present for the examination of return addressed envelopes. All absentee ballots received by the county election commission before the time for closing the polls must be examined in this manner.

If a returned-addressed envelope is received on time, signed and witnessed, the voter's name may be read aloud to determine if that voter's ballot will be challenged. If a ballot is challenged, the envelope should not be opened. The MEC should put it aside and follow the established provisional ballot procedure. The MEC must give the absentee voter whose ballot is challenged reasonable notice of the challenge.

If no challenge is issued, the MEC opens the return addressed envelope and removes the enclosed "Ballot Herein" envelope. To ensure the secrecy of the ballot, the MEC must separate the ballot from the envelope, commingle the ballot with other absentee ballots to be counted, and then scan it into the optical scan tabulation equipment.

After 7 p.m., the MEC reports the results of the absentee ballot tabulation (SC Code 7-15-420).

Election night - after the polls close

Poll managers tabulate the votes from the voting machines and sign the totals tape. If not already done, municipal election commission members or assigned poll managers count the absentee ballots.

The municipal election commission must prepare emergency/provisional ballots for counting and secure any provisional ballots that will be considered later at the provisional ballot hearing.

Unofficial results on election night can be determined two ways:

1. The MEC adds the candidate totals from the totals tapes from each precinct to the results from any emergency and absentee ballots. The MEC documents these tabulations and provides the results to the public on election night as “unofficial.”
2. The county voter registration and elections office scans the personal electronic ballots from each precinct and scans any absentee and emergency ballots through the optical scanner. This process is performed at the county election commission office. The voting system will produce results reports marked “unofficial” to be released to the public.

Before announcing unofficial election results, the MEC should take special precaution to verify totals, double check it has accounted for **all** ballots and ensure vote totals are accurate. The results will not be official until after the provisional ballot and certification hearings.

The poll managers must sign all necessary reporting forms. These forms may include accountability of the emergency/provisional optical scan ballots used or not used. Voting machines, personal electronic ballots, communications packs, voter registration list, ballot boxes, voted and unvoted ballots, and other material are then secured for transport back to the county election commission. Poll clerks must account for all ballots and all polling place materials.

Recounts and runoffs

It is important to remember recounts or runoff elections cannot be ordered on election night. The MEC must first canvass the official election results at its canvassing and certification meeting. This handbook provides detailed recount information.

Canvassing the votes and certifying the election

Beginning the canvass and certification meeting

A quorum of the municipal election commission (at least two members) must meet within three days of the election at the exact location and time specified in the public notice. Most MECs meet before 1 p.m. on the Thursday following a Tuesday election (SC Code 5-15-100).

One of the members must be appointed secretary. The MEC chairperson administers the following constitutional oath to each member.

“We do solemnly swear (or affirm) that we are duly qualified, according to the Constitution of this State, to exercise the duties of the office to which we have been appointed, and that we will, to the best of our ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.”

Provisional ballot hearing

Provisional ballots are not counted on election night. They are secured in a ballot box for the MEC to decide whether it should count them before certifying the election. Provisional ballots are placed in a Provisional Ballot Envelope on Election Day. The reason for voting a provisional ballot, the name of any challenger and the name of the voter are recorded on the outside of the envelope.

While most provisional ballots are cast on paper, absentee ballots that are cast on voting machines in the county election commission’s office may also be challenged. Absentee voting machine ballots that are challenged are recorded on the provisional absentee ballot log. The log contains the challenge information. The CEC can provide detailed instructions on how to add these provisional ballots to absentee totals in the event they are counted.

At the hearing, the MEC may hear testimony and accept evidence from the challenger or voter. The MEC may want to consider having the municipal attorney present to give legal advice.

Considering provisional ballots in general:

- The MEC should read aloud the voter’s name for each provisional ballot and ask if the voter, challenger or witness is present.
- If no challenger appears, produces witnesses or offers evidence to sustain a challenge, the MEC examines the provisional ballot envelope (or log) to determine if there is reason to consider an administrative challenge. For example: if a voter appears to have voted in the incorrect precinct, an administrative challenge may be appropriate. This situation does not necessarily require a challenger or witness and can be resolved by the county voter registration office.
- If no challenger appears and there is no evidence to sustain an administrative challenge, the ballot is no longer provisional and must be counted. The ballot is removed from the provisional ballot envelope and comingled with all other provisional ballots found to be valid.
- The challenger(s) should be heard from first. The voter (if present) should be heard from second. The MEC may ask questions. The MEC must vote in public on whether to count the ballot prior to examining the next provisional ballot.
- If the MEC declares a provisional ballot to be invalid, the ballot should remain in the unopened provisional ballot envelope with any other invalid provisional ballots and stored with the election materials.
- If the MEC declares a provisional ballot to be valid, the ballot should be removed from the envelope and comingled with all other provisional ballots that have been found to be valid. The MEC will shuffle all provisional ballots found to be valid to protect the secrecy of the ballots, then count the ballots.
- All decisions of the MEC concerning provisional ballots are final.

SC Code 7-13-830

Some categories of provisional ballots must be counted if certain provisions are met.

Failsafe Provisional Ballots - These ballots are challenged on Election Day to ensure the change of address information is completed on the provisional ballot envelope. Once this is confirmed, the MEC must verify the voter voted a failsafe ballot containing only municipal-wide offices. If the voter voted a ballot containing district offices that are not qualified under failsafe law, the votes for those additional offices must not be counted (SC Code 7-5-440).

Voter did not bring Photo ID - These provisional ballots are cast by voters at the polls who forgot to bring their Photo ID. These ballots must be counted if the voter has, by the time of the hearing, shown his Photo ID to the election commission. If the voter has not shown his Photo ID, the ballot must not be counted.

Voter has no Photo ID (Reasonable Impediment Affidavit) - These provisional ballots are cast by voters who have no Photo ID due to some obstacle to obtaining one. These provisional ballots must be counted if the voter signed the affidavit and no person presents evidence to prove his affidavit is false. If a challenger presents evidence, the MEC must decide whether the voter lied about his identity or about having the listed impediment to obtaining Photo ID.

Improperly witnessed/signed absentee ballot envelopes

The MEC will not count an absentee ballot contained in a ballot envelope not properly witnessed or signed by the voter. In addition, it will not consider these ballots at the provisional ballot hearing. The MEC has no discretion in counting these ballots. The county election commission places such ballots in an “attention” envelope. The MEC must retain it with other election materials (SC Code 7-15-375, 7-15-380, 7-15-385)

Best practices

- Separate provisional ballots by reason for the challenge. This will expedite the hearing process by allowing commission members to deal with similar issues together. Copy the front of the provisional ballot envelope on election night and lock the original envelopes in the ballot box. The copies can be used to research voter qualifications, while keeping the ballots secure.

Canvassing votes

The MEC conducts the canvass and certification hearing immediately after the provisional ballot hearing. Canvassing means counting all votes cast in an election by precinct. These totals include the unofficial election night totals with the addition of any provisional ballots found to be valid.

The purpose of canvassing is to verify that every vote has been counted. The MEC and county election commission should verify they have followed all vote accumulation procedures. This includes comparing the paper tape totals with personal electronic ballot results. It is important to physically view inside all ballot boxes used to be certain all ballots are accounted for. Use a Canvass Checklist to help ensure each step has been completed in the canvassing process.

The county election commission can also work with the State Election Commission to conduct an audit of the voting system data prior to the certification hearing. An audit is an important tool that can help catch errors in vote totals.

Certifying election results

After canvassing, the MEC certifies the final vote totals making them official. Election results are certified by a quorum of the commission (at least two members) signing their names to a canvass sheet. Canvass sheets should contain the name of the municipality, name of the election, election date, signature blanks and certification date. Winners should be marked on the results.

See sample canvass sheet on page 47.

Any necessary recounts and runoffs must also be ordered by the MEC following the certification of results. These should also be denoted on the results.

Election audits in South Carolina

Audit data featuring a record of every action taken on a voting machine is collected and stored on compact flash drives in each voting machine. The flash drives are collected from all voting machines, and the audit data is loaded into Unity, the SC Election Commission's voting system software.

Once all paper and electronic ballots and voting machine audit data are loaded into Unity, results reports and audit data are produced. Voting machine audit data along with audit data stored in Unity are then used to audit, or verify, the results. After the results are audited, the appropriate election commission (state, county, municipal) certifies the results, and the results become official.

Mandatory recounts

A recount is a re-tabulation of all votes for all candidates for a specific office or a re-tabulation of a ballot question. "All votes" mean all votes for a particular office. These votes include voting machine, absentee, provisional/emergency and failsafe votes. **Note: Recounts are not runoffs. There are different laws governing recounts and runoffs.**

The MEC must order a recount in the following situations:

1. In any general or special election when the difference between the number of votes received by the winning candidate and the losing candidate is 1 percent or less.
2. In any election for an office with multiple seats to fill when the difference between the number of votes received by the lowest of the winners and the highest of the losers is 1 percent or less.

For example: if there are five candidates competing for three seats, the only two candidate vote totals that determine eligibility for a recount are the third and fourth highest vote-getting candidates. If their vote totals are within 1 percent of each other, a recount is required.

Note: The losing candidate(s) may waive, in writing, a mandatory recount.

3. In any election where the difference between the numbers of votes received for the ballot question and against the ballot question is 1 percent or less.

State law provides for a recount only when the difference in the results is 1 percent or less. There is **no provision in state law** that provides for a recount when the difference between the vote totals is more than 1 percent (SC Code 7-17-280).

Elections that end in a tie vote

If any general or special election results in a tie vote and no candidate withdraws, the MEC will conduct a mandatory recount. If, after the recount, the result is still a tie, the MEC must hold a runoff election two weeks after the first election. If the date for the tie-breaking runoff falls on a legal holiday, the MEC must hold it on the same day of the following week if it is not a legal holiday (SC Code 5-15-125).

Recount procedures

The MEC must post a public notice at least 24 hours before meeting. At the meeting, the MEC canvasses, certifies the official results and orders a recount—all at the same time. It will highlight with an asterisk (*) on the official results page any offices to be recounted. The recount date is established when the recount is ordered. The MEC can perform the recount on the same date as the certification. It does not conduct a recount on election night. A recount cannot be performed until officially ordered by the MEC.

For planning purposes, the MEC can informally notify the political parties and/or candidates for the office to be recounted. The MEC can let them know when and where the recount will take place. The MEC may issue the official notification to all candidates on the same date the recount is actually held.

The MEC must count all ballots for all precincts that elect this office. If the recount total differs from the original total, it must take any necessary steps to identify the cause of the discrepancy and to ensure the recount was conducted accurately and completely.

The MEC must meet after the recount to certify the recount results.

Election winners

Newly elected officers must wait until the election results have been certified before taking office. In cases where a protest is filed, the incumbent remains in office until the protest is determined (SC Code 5-15-120). See section "Protests."

Oath of office

The oath of office is given to the newly elected officers before officially taking office. Someone who has the authority to administer oaths such as a notary public must administer this oath. A municipality may already have a written policy about who can administer and when to provide oaths. For questions about who can administer oaths and when, contact the municipal clerk or attorney.

Successful candidates' roster

The MEC must provide a successful candidates' roster to the State Ethics Commission. This form is available from the State Ethics Commission website (ethics.sc.gov).

Retention of election materials

The MEC must keep all election results and certification records permanently. It must keep other election materials, including voted ballots, for two years or until all protests are resolved. This requirement is located in section 12-601.14 of the general records retention schedules for municipal records established by the S.C. Department of Archives and History. In addition, the commission must adhere to any local retention schedules.

Protests

Candidates file municipal election protests with the MEC. If the MEC has transferred its protest duties to county election commission, the county election commission will hear protests. A protest only affects the race being protested. It does not affect any other office on the ballot.

Candidates must file their protests within 48 hours after the polls close (generally by 7 p.m. on Thursday). The protest must concisely state each ground of protest separately. The MEC should request guidance from the municipal attorney on preparing for and conducting any protest hearings (SC Code 5-15-130).

The MEC will serve a copy of the protest and provide a notice of the time and place of the protest hearing to each candidate in the protested race. The MEC must follow Freedom of Information Act requirements for posting the hearing notice. Commission members must hear the protest within 48 hours after it is filed. The voter registration list and poll list, ballots, results printouts or any other form of vote tabulation related to the protested office should be available for the protest hearing.

It is imperative for the commission to keep complete and accurate transcripts of any protest hearing. If the decision is appealed, a complete transcript is an absolute necessity. The MEC must arrange for the services of a court reporter or stenographer at any protest hearing to ensure proper records are created.

The candidate who is protesting and all other candidates in the protested race have the right to be present at the hearing, to be represented by counsel, to examine and cross-examine witnesses, and to present evidence relevant to the grounds of the protest.

Testimony at the hearing must be limited to the grounds stated in the written protest. The MEC chair must conduct the hearing in accordance with the procedures and rules of evidence observed by the circuit courts of this state. The MEC has the authority to administer oaths and subpoena witnesses.

The MEC must remain in session until it has reached a decision. The MEC must determine all issues by majority vote made in public. The MEC must notify in writing all candidates in the protested race of its decision immediately following the hearing. The MEC files its order together with all recorded testimony and exhibits with the county clerk of court. If the decision invalidates the election, the MEC must notify council. Council orders a new election involving only the office concerned.

As soon as possible following the protest hearing, the MEC should prepare, with the assistance of the municipal attorney, a written order setting out its decision and directions. They should provide copies of this order to all parties involved in the protest.

Within 10 days after the MEC's decision, any aggrieved party may appeal to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within 10 days. The notice of appeal shall act as a stay of further proceedings pending the appeal (SC Code 5-15-140).

How to determine winners of nonpartisan elections

Winners are determined using one of three methods: plurality (SC Code 5-15-61), majority and runoff (SC Code 5-15-62), or primary and general election (SC Code 5-15-63).

Plurality

- If there is more than one candidate for an office, the candidate receiving the highest number of votes is elected.
- If there are two or more offices on the ballot and there more candidates than offices to be filled, those candidates receiving the highest number of votes, equal to the number of offices to be filled, are elected.

Nonpartisan election and runoff

- If there is more than one candidate for an office, the majority is determined by dividing the total votes cast for all candidates for this particular office, including write-ins, by two. Any excess of this sum shall be a majority. (See note below) The candidate receiving a majority is elected.
- If there are two or more offices on the ballot and there more candidates than offices to be filled, the majority is determined by dividing the total votes cast for all candidates for a particular office, including write-ins, by the number of offices to be filled, then dividing the result by two. Any excess of this sum shall be a majority. (See note below) Candidates receiving a majority are elected. If more candidates obtain a majority than there are offices to be filled, candidates with the highest vote (equal to the number of offices to be filled) are elected.

Note: After dividing the total votes by the appropriate numbers, if the result is a fractional number, do not round up or round down to a whole number. For example: three candidates are running for mayor. There are 1233 total votes cast for this office. Candidate A received 310 votes, candidate B received 617 votes, and candidate C received 306 votes. After totaling the votes and dividing by 2, the sum is 616.5. Candidate B would win the election because candidate B received an excess of the majority. Even though the excess is just .5, it is still an excess.

- If no candidate for a single office receives a majority of the votes cast in the first election, a second election is conducted two weeks later between the two candidates receiving the largest number of votes in the first election and who do not withdraw from the election. The candidate receiving a majority of the votes cast in the runoff election is elected.
- If candidates for two or more offices are to be elected and some or all candidates do not receive a majority of the votes cast in the first election, a second election is conducted two weeks later between one more than the number of candidates necessary to fill the vacant offices. The candidates receiving the highest number of votes cast in the runoff election equal to the number of offices to be filled are elected.

Write-ins are not allowed in these runoff elections.

Nonpartisan primary and general election

Primaries reduce the field of candidates to two for each position to be filled if there are more than two candidates for single office or the number of candidates for more than one office exceeds twice the number of positions to be filled.

- If only one or two candidates file for a single office, the primary election is not held for that office. The candidate(s) are declared nominated.
- In the primary election, the two candidates for a single office receiving the highest number of votes are declared nominated.
- When there is more than two positions to fill, those candidates receiving the highest number of votes, equal to twice the number of positions to fill, are declared nominated.

Candidates declared nominated without a primary election and those nominated in the primary election are placed on the ballot for the general election.

The candidate for a single office receiving the highest number of votes is elected. Candidates for more than one office that receive the highest number of votes, equal in number to the number of positions to be filled, are elected.

Special elections

A special election is required when a mayor or councilmember vacates the office more than 180 days before the next municipal general election. If a vacancy occurs less than 180 days before the next election, the office remains vacant and is filled at the next general election.

Filed by nonpartisan election

If required, candidates must file Statement of Intention of Candidacy no later than noon, 45 days prior to the election in the same manner as during the general election. If the filing period is scheduled to close on a state holiday, the filing period remains open until the next weekday.

If seeking nomination by petition, the candidate must submit his petition to the MEC no later than noon, 60 days prior to the election. The county voter registration office must verify petitions no later than noon, 45 days prior to the special election.

The election must be set for the thirteenth Tuesday after the vacancy occurs. If the election falls on a holiday (other than the general election), it must be held on the next Tuesday (SC Code 5-15-70, 7-13-190).

Filed by partisan election

If the office is to be filled by a partisan election, filing opens at noon on the third Friday after the day the vacancy occurs. The filing closes at noon on the tenth day after it opens. The manner of filing should be the same as during the general election. If the filing period closes on a state holiday, the filing period must be held open through the next weekday. If filing by petition for a partisan election, candidate must submit the petition no later than noon, 60 days prior to the election. The county voter registration office must verify petitions no later than noon, 45 days prior to the election. The primary must be held on the eleventh Tuesday after the vacancy occurs. Any runoff must be held on the thirteenth Tuesday after the vacancy occurs. The special election must be held on the eighteenth Tuesday. If the Tuesday of a special election falls on a holiday (other than the general election), the election should be held on the following Tuesday. If the special election falls on the general election, the special election may be held along with the general election (SC Code 7-13-190).

Multiple vacancies

If a vacancy occurs in more than one office in the same county requiring separate special elections to be held within 28 days, the MEC must conduct all elections on the same date. The MEC must hold special elections on the latest date required for an election during this 28-day period (SC Code 7-13-190 (D)).

Filling the vacancy of an official elected or appointed to another office

SC Code 8-1-145 allows elected officials to give an irrevocable resignation. The resignation would take effect on a specific date in the future. Under this law, the local government establishes a special election schedule based on the submission date of the written, irrevocable resignation. This practice reduces the amount of time the office is vacant.

The election must be conducted according to SC Code 7-13-190 and 5-15-70.

Once elected, the winner does not take office until the vacancy actually occurs.

Example: A city councilmember is appointed as a judge. The councilmember's new appointment becomes effective six months from today. The councilmember may give the city an irrevocable resignation to be effective in six months. The MEC arranges and holds an election for the councilmember's seat. The newly elected councilmember will not take office until six months from today.

When the governor orders an election

When a MEC fails to provide for or hold an election at the time appointed, or if, for any reason, the election is declared void by competent authority and these facts are made to the satisfaction of the governor, he will order an election be held. The governor may designate the existing election official or other appointed person to perform the necessary official duties pertaining to the election and to declare the results.

When an election may not have to be held

A municipality does not have to hold an election if only one candidate has filed for the office and no person has filed a “declaration” to be a write-in candidate within 14 days after the filing period closes (SC Code 7-13-190 (E)). This law applies to elections for multiple seats as well. For example, three seats are up for election and three people file. In this example, the MEC may not have to hold an election.

The write-in declaration may be a signed statement by the write-in candidate stating the intention of running as a write-in candidate. It must include the name and date of the election, and the office sought. The write-in candidate’s name does not appear on the ballot. The ballot will have a location to write-in a candidate’s name.

***Caution:** A September 4, 2003, Attorney General’s opinion concluded this statute’s restriction on write-in voting is “constitutionally suspect.”*

Use of paper ballots in special elections only

For special elections to fill vacancies in office, the county election commission may use paper ballots if the use of voting machines is not practicable or cost efficient. If paper ballots are used, the procedure for their use and the counting of these ballots must adhere to state law (SC Code 7-13-460).

Initiative and referendum

The voters of a municipality may propose by petition the passage or repeal of certain ordinances. The municipal attorney can help determine if the petition is valid (SC Code 5-17-10, 5-17-20, 5-17-30, 5-5-20, 5-5-40, 5-5-50, 61-6-2010).

Starting a petition for an initiative or referendum

Although South Carolina law does not require the person/group circulating a petition to register with the municipality, it is helpful if a person representing the effort contacts the municipal clerk at the beginning of the petition process to provide for better communication between the municipality and the group. The clerk should assist in providing the appropriate petition form. A blank petition is available at www.scvotes.org under the “Candidates” section.

Receiving the petition

The municipal clerk may act on behalf of council in receiving the petition. The clerk must issue a receipt to the petitioner. Petition receipts are available from the county election commission. Council/clerk should send the original petition to the county election commission to verify the signatures. The county election commission will notify council/clerk of the number of valid signatures on the petition.

Acting on the petition

Council determines whether the petition is valid and whether an election is necessary. Council determines whether a referendum is necessary. If so, council sets the election date. Council should work with the county election commission and MEC to determine the best date.

Transfer of authority to county election commission for conducting municipal elections

A municipality can transfer its authority for conducting municipal elections to the county election commission (SC Code 5-15-145).

As a condition of the transfer, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement. The municipal ordinance must state what specific duties are being transferred, and the county ordinance must accept the authority being transferred.

Some duties that may be transferred to the county election commission include

- accepting filing,
- preparing ballots and voting equipment,
- hiring and training poll managers,
- canvassing and certification, and
- hearing protests.

When a municipality transfers total responsibility for conducting a municipal election to a county election commission, pursuant to SC Code of Laws 5-15-145, the MEC is abolished. If the municipality transfers only a portion of the responsibilities, the municipality cannot abolish the MEC.

A municipality which transfers authority for conducting municipal elections to the county election commission, may, by ordinance, set the filing dates for municipal offices (and the date by which candidates must be certified to the appropriate authority to be placed on the ballot) to run concurrently with the filing dates set by law for countywide and less than countywide offices or other filing dates as may be mutually agreed upon between the municipality and the county election commission.

Sample municipal transfer ordinance

An Ordinance Providing for the Transfer of Authority for Conducting Municipal Elections to the York County Voter Registration and Election Commission

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

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 5-7-30, Section 5-7-260, and Section 5-15-145 and Section 2-49 of the Code of the City of Rock Hill.

SECTION 2

That Chapter 11, Elections, of the code of the City of Rock Hill, is amended by the following revisions, changes and additions;

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 City of Rock Hill desires to transfer all authority for conducting municipal elections to the York County Voter Registration and Election Commission.

Now, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Rock Hill duly assembled in council this _____ day of May, _____, that all authority for the conducting of municipal elections is hereby transferred to the Voter Registration and Election Commission for York County in the following particulars:

1. The York County Voter Registration and Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Rock Hill.
2. Immediately upon the closing of the polls at any municipal election in the City of Rock Hill, the York County Voter Registration and Elections Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Councilperson, canvass the vote and publicly display the unofficial results.
3. The Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Rock Hill City Council or an appointed authority representing the city government as soon as practical following the certification.
4. Accept candidate filings and filing fees including, but not limited to, notices of candidacy, candidacy pledges, hear and decide protests and certify the results of municipal elections.
5. Utilize an Automated Election System and computer counting with the count publicly conducted.

Sample county transfer ordinance

Authorizing The Acceptance Of the Transfer Of Authority For Conducting Municipal Elections In The City Of Rock Hill To The York County Voter Registration And Election Commission; To Define The Powers, Duties And Responsibilities Assumed By The York County Voter Registration And Election Commission For The Conduct Of Municipal Elections In The City Of Rock Hill; To Provide For Reimbursement Of All Costs And Expenses Incurred By The York County Voter Registration And Election Commission In The Conduct Of Such Municipal Elections; And To Provide For Other Matters Relating Thereto.

BE IT ORDAINED AND ENACTED BY THE YORK COUNTY COUNCIL, AS THE GOVERNING BODY OF YORK COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Legislative finding

As an incident to the adoption of this ordinance, the York County Council as the governing body of York County, South Carolina makes the following findings. 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 commission to the county election commission upon the adoption of an appropriate ordinance by the governing body of the municipality transferring such powers, duties and responsibilities and adoption of an ordinance by the county governing body of an appropriate ordinance accepting the transfer of authority for conducting municipal elections.

The City of Rock Hill has indicated its desire to transfer all authority for conducting municipal elections within the City of Rock Hill to the York County Voter Registration and Election Commission, and has commenced proceedings for the adoption of an ordinance for the transfer of the powers, duties and responsibilities for conducting municipal elections in the City of Rock Hill from the Rock Hill Municipal Election Commission to the York County Voter Registration and Election Commission. The York County Council finds that the York County Registration and Election Commission is willing to assume the transfer of the powers, duties and responsibilities for conducting municipal elections in the City of Rock Hill upon the terms and conditions contained in this ordinance, and the council finds that it is proper, appropriate and in the public interest for the York County Council to adopt an ordinance accepting the transfer of authority for conducting municipal elections from the Rock Hill Municipal Election Commission to the York County Voter Registration and Election Commission, on the terms and conditions herein contained.

Acceptance of authority for conducting municipal elections

The York County Council, as the governing body of York County, South Carolina, hereby accepts authority for conducting municipal elections in the City of Rock Hill and such authority is hereby transferred from the Municipal Election Commission of the City of Rock Hill to the Registration and Election Commission for York County in the following particulars:

- (a) The York County Voter Registration and Election Commission for York County shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Rock Hill;
- (b) Immediately upon the closing of the polls at any municipal election in the City of Rock Hill, the York County Voter Registration and Election Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of the votes cast in such election together with the number of votes cast for each candidate for mayor and councilperson, canvas the vote and publicly display the unofficial results;
- (c) The Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Rock Hill City Council or an appointed authority representing the city government as soon as practicable following the certification;
- (d) accept candidate filings and filing fees, including, but not limited to, notices of candidacy, candidacy pledges, hear and decide protests and certify the results of municipal elections;

(e) utilize an Automated Election System and computer counting with the count publicly conducted;

(f) take such other action as may be necessary or appropriate to conduct municipal elections and certify the results.

Reimbursement of election costs

The City of Rock Hill shall reimburse the Registration and Election Commission of York County for all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Rock Hill. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Rock Hill shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The York County Registration and Election Commission shall provide invoices and/or other documentation to the City of Rock Hill of all such costs and expenses incurred in the conduct of Rock Hill municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

Effective date

This ordinance shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

(a) adoption of an appropriate ordinance by the governing body of the City of Rock Hill transferring the authority accepted hereunder;

(b) adoption of an appropriate ordinance by the governing body of York County accepting the authority being transferred hereunder;

(c) submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

Repeal of inconsistent ordinances

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of inconsistency.

Consolidation of precincts

For the purpose of conducting municipal elections, a municipality may pool one or more precincts with other precincts and have only one voting place. 7-7-1000.

- Any precinct which contains 500 or more registered voters within the municipality must have its own voting place.
- Total number of voters within the municipality in each group of pooled precincts cannot exceed 1,500.
- The voting place of any precinct pooled with others cannot be more than three miles from the nearest part of any pooled precinct.
- The municipality must comply with the notice requirements of Section 7-7-15. Also, the location of voting places for all precincts including those pooled must be published in a newspaper of general circulation in the municipality on the day of the election. If the newspaper is not published daily, the notice must be published on the date of publication nearest and before the date of election.
- Whenever precincts are pooled, poll managers must use the voter registration lists, poll lists and ballots for each precinct represented. Election results must be reported and certified by individual precinct.

Sample nonpartisan election ordinance

Section 1. Election method

Pursuant to S.C. Code Section 5-15-20, the mayor shall be elected at large, and councilmembers shall be elected _____.*

*Must select one of the following:

1. Members of the council elected from the municipality at large.
2. One member elected from each ward of the municipality by the qualified electors of the ward. Candidates seeking office from a particular ward shall be residents of the ward during their entire term of office.
3. Some members elected from wards as provided for in (2) and the remainder elected from the municipality at large.
4. Members are required to be residents of particular wards but be elected from the municipality at large.
5. Some members may be required to be residents of particular wards and others may be residents of the municipality without regard to a particular ward and all members shall be elected from the municipality at large.

Section 2. Terms of office

The office of mayor shall be for the term of [TWO OR FOUR YEARS].

The office of council shall be for the term of [TWO OR FOUR YEARS STAGGERED].

[If districts are used, add provisions to specify which district seats will be filled for indicated terms.]

Section 3. Nonpartisan election procedure

Results for all general and special elections for mayor and councilmembers will be determined in accordance with the nonpartisan [__*__] method authorized by S.C. Code 5-15-[*] .

*Must select one of the following:

1. Nonpartisan plurality method authorized by Section 5-15-61
2. Nonpartisan election and run-off election method authorized by Section 5-15-62
3. Nonpartisan primary election and general election method authorized by Section 5-15-63. If this method is chosen, additional provisions must be made for primaries.

Section 4. Election Commission

All general and special elections shall be conducted by a Municipal Election Commission composed of three electors who shall be residents of the Town appointed by the Town Council for terms of six years, staggered so that the terms of one member expires each [__]-numbered year at least 90 days prior to the regular election. The election commission shall have the powers and duties specified in S.C. Code 5-15-100, and applicable provisions of Title 7 of the S.C. Code.

Section 5. General and Special election date and notice

General elections for the offices of mayor and members of council shall be held in [__]-numbered years on the [_____] Tuesday after the first Monday in [_____]. [If the election procedure selected allows for a run-off, add the following provision: A runoff election, if necessary, shall be held two weeks following the election.]

In the event of a tie vote for any office, a runoff election shall be held two weeks following the election pursuant to S.C. Code 5-15-25. Special elections to fill vacancies shall be held pursuant to S.C. Codes 7-13-190 and 5-15-70. Two public notices of a regular or special election shall be given. The first notice shall be given at least 60 days prior to the election. The second notice shall be given no later than two weeks after the first notice.

Section 6. Filing statement of candidacy (or petition)

Each person offering as a candidate for the general election to any town office shall do so by filing a statement of intention of candidacy with the Election Commission no later than 60 days prior to the date of the election in substantially the following form:

I hereby file notice that I am candidate for election to the office of mayor/councilmember [for the Town/City of _____, District No. _____] in the regular/special municipal election to be held _____ . I certify that I am a qualified elector and resident of the municipality [and district] for which I seek election.

(Optional: People wishing to qualify by petition must file their petition along with their Statement of Economic Interest with the municipal clerk no later than 75 days prior to the date of the election.)

Important Note: If your municipality's general election is conducted on the same date as the state's general election (the first Tuesday after the first Monday in November of even-numbered years), candidates' deadlines for filing by statement of intention of candidacy is noon, August 15. Petition candidates' filing deadline is noon, July 15. 7-13-351.

Section 7. Filing fees

The filing fee for the office of mayor shall be \$ _____.

The filing fee for council shall be \$ _____.

If there is no filing fee, state that there is no filing fee for mayor or council.

Section 8. Time of taking office

Newly elected officers shall be qualified to take office at any meeting of council at least 48 hours after an uncontested election. Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Sample partisan election ordinance

Section 1. Election method

Pursuant to Section 5-15-20, the mayor shall be elected at large and councilmembers shall be elected

_____*.

*Must select one of the following:

1. Members of the council elected from the municipality at large.
2. One member elected from each ward of the municipality by the qualified electors of the ward. Candidates seeking office from a particular ward shall be residents of the ward during their entire term of office.
3. Some members elected from wards as provided for in (2) and the remainder elected from the municipality at large.
4. Members are required to be residents of particular wards but be elected from the municipality at large.
5. Some members may be required to be residents of particular wards, and others may be residents of the municipality without regard to a particular ward and all members shall be elected from the municipality at large.

All regular and special elections for the office of mayor and council must be held pursuant to S.C. Code 5-15-70. Candidates may qualify for election on a partisan basis or by petition.

Section 2. Terms of office

The office of mayor shall be for the term of [TWO OR FOUR YEARS].

The office of councilmember shall be for the term of [TWO OR FOUR YEARS STAGGERED].

(If districts are used, add provisions to specify which district seats will be filled for indicated terms.)

Section 3 Nominations for Office

A) Nominations by political party

People wishing to be placed on the ballot for office may file their Statement of Intention of Candidacy along with their Statement of Economic Interest with the respective political party as follows:

1. Opening date for primary filing shall be at noon on (enter opening date for party filing).
2. Closing date for primary filing shall be at noon on (enter the closing date for party filing).
3. Political party primaries for nominating candidates shall be held at the scheduled polling places and conducted by the respective political party on (enter date for primary election).
4. Primary runoff, if necessary, shall be held two weeks later on (enter date for primary runoff).
5. Political party conventions for nominating candidates shall be held on (enter date for convention).
6. Political party primaries or conventions must certify nominees to the municipal election commission no later than (enter date that is no later than 60 days before the general election or no later than noon, 45 days before the special election).

B) Nominations by petition

Candidates wishing to qualify by petition must file their petition along with their Statement of Economic Interest with the municipal clerk no later than 75 days before the general election or no later than noon, 60 days before the special election.

Section 4. Election Commission

All general and special elections shall be conducted by a Municipal Election Commission composed of three electors who shall be residents of the municipality appointed by the Council for terms of six years, staggered so that the term of one member expires each [_____] -numbered year at least 90 days prior to the regular election. The Election Commission shall have the powers and duties specified in S.C. Code 5-15-100.

Section 5. Election date and notice

General elections for the offices of mayor and members of council shall be held in [____]-numbered years on the [____] Tuesday in [____]. In the event of a tie vote for any office, a runoff election shall be held two weeks following the election pursuant to S.C. Code 5-15-125. Special elections to fill vacancies shall be held pursuant to S.C. Code 7-13-190 and 5-15-70. Two public notices of a general or special election shall be given which shall include the location of polling places set by council. The first notice shall be given at least 60 days prior to the election. The second notice shall be given no later than two weeks after the first notice.

Section 6. Method of determining results of election

In partisan elections, the person securing the highest number of votes for mayor shall be declared elected and the councilmembers shall be elected by the following method: *

*Must select one of the following to conform to Section 1:

1. When all councilmembers are to be elected at large, the people receiving the highest number of votes in number equal to the number to be chosen shall be declared elected.
2. When the councilmembers are to be elected from each ward and are required to be residents of that ward, the person receiving the highest number of votes in that ward shall be declared elected.
3. When some councilmembers are to be elected from each ward and required to be residents of that ward and the remainder of the councilmembers to be elected at large, those people receiving the highest number of votes in each ward shall be declared elected and those people running at large who receive the highest number of votes in number equal to the number to be chosen at large shall be declared elected.
4. When all councilmembers are to be elected at large, but required to reside in a particular ward, the person receiving the highest number of votes for the seat to be filled shall be declared elected.
5. When all councilmembers are to be elected at large, but some are required to be residents of particular wards and other councilmembers may not be so required, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

Section 7. Filing fees

The filing fee for the office of mayor shall be \$ _____.

The filing fee for council shall be \$ _____.

If there is no filing fee, state that there is no filing fee for mayor or council.

Section 8. Time of taking office

Newly elected officers shall be qualified to take office at any meeting of council at least 48 hours after an uncontested election. Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Sample nonpartisan public notice

(Enter name of municipality) General or Special Election

The Municipal Election Commission of the (name of the municipality) announces the general (or special) election for (name of municipality) to be Tuesday, (month and date). Any person wishing to register to vote in this election must do so no later than (enter a date that is 30 days before the election).

The following offices shall be included in this election:

Mayor (if it applies)

Council (number of seats or council districts _____)

Citizens desiring to be candidates for one of the above listed offices may file at the (give name building and location). Books will be open for filing at (enter date and time) and remain open during regular business hours until (enter closing date and time). The filing fee for the office of mayor is (enter amount). The filing fee for the office of council is (enter amount). (If there is no filing fee, state there is no filing fee.)

(If the municipal election commission plans to open absentee ballot envelopes at 9:00 a.m., this statement must appear in the notice.) At 9 a.m. on Election Day, the poll managers will begin examining the absentee ballot return envelopes. This examination will be held at (location of examination).

On Thursday, _____, at (time) at (location) the Municipal Election Commission will hold a hearing to determine the validity of ballots challenged in this election.

(Add this statement only if the municipality has adopted the majority/runoff method to determine winners.) Any runoff will be held two weeks after the election on Tuesday, (date of runoff) _____.

The following precincts and polling locations will be open from 7 a.m. until 7 p.m.:

(List your precincts and specific location of polling places here)

Sample partisan public notice

(Enter name of municipality) General or Special Election

The Municipal Election Commission of the (name of the municipality) announces the general (or special) election for (name of municipality) to be Tuesday, (month and date). Any person wishing to register to vote in this election must do so no later than (enter a date that is 30 days before the election).

The following offices shall be included in this election:

Mayor (if it applies)

Council (number of seats or council districts _____)

Citizens desiring to be candidates for one of the above listed offices must file with their respective political party according to the following schedule: Political party filing opens at (location, date and time) and remain open during regular business hours until (date and time).

Political party primaries will be held on (date) at the scheduled polling places. Primary runoff, if necessary, will be held on (date). Political party conventions for nominating candidates shall be held on (date).

Citizens wishing to qualify by petition must file the petition by (a date that is no later than 75 days before the general election or no later than noon, 60 days before the special election) with the municipal clerk.

(If the municipal election commission plans to open absentee ballot envelopes at 9 a.m., this statement must appear in the notice.) At 9 a.m. on Election Day, the poll managers will begin examining the absentee ballot return envelopes. This examination will be held at (location of examination).

On Thursday, _____, at (time) at (location) the Municipal Election Commission will hold a hearing to determine the validity of ballots challenged in this election.

The following precincts and polling locations will be open from 7 a.m. until 7 p.m.:

(List your precincts and specific location of polling places here)

Sample petition (available at www.scvotes.org)

PETITION State of South Carolina

County _____

Page must contain signatures of voters from only one county.

P U R P O S E	Candidate	If not candidate petition, enter statement of purpose:		
	Office			
	Election Date			
	Signature & Printed Name	Residence Address & Phone #	Precinct	VR# & DOB
1	Signature			Voter Registration #
	Print Name			Date of Birth
2	Signature			Voter Registration #
	Print Name			Date of Birth
3	Signature			Voter Registration #
	Print Name			Date of Birth
4	Signature			Voter Registration #
	Print Name			Date of Birth
5	Signature			Voter Registration #
	Print Name			Date of Birth
6	Signature			Voter Registration #
	Print Name			Date of Birth
7	Signature			Voter Registration #
	Print Name			Date of Birth
8	Signature			Voter Registration #
	Print Name			Date of Birth
9	Signature			Voter Registration #
	Print Name			Date of Birth
10	Signature			Voter Registration #
	Print Name			Date of Birth
11	Signature			Voter Registration #
	Print Name			Date of Birth
12	Signature			Voter Registration #
	Print Name			Date of Birth

Sample petition receipt (available at the county election commission)

Petition Receipt

A	County		Date Submitted	
	Pages		Time Submitted	
	Signatures		Signatures Required	

B	Name		Office	
	Address		Election Date	
			Email	
C A N D I D A T E	Telephone		Voter Reg. #	
Guidelines for a Candidate's Name to Appear on the Ballot: <ul style="list-style-type: none"> ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not: <ul style="list-style-type: none"> ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters 				
Name as you wish it to appear on ballot (please print)				
Candidate's Oath I affirm I meet, or will meet by the time of the general or special election, the qualifications for this office.				
Candidate Signature			Date	

C	If not candidate petition, enter purpose here:

D	Name of Person Submitting Petition (if not candidate)			
	Address		Telephone	
			Email	
Signature of Person Submitting Petition			Date	

Signature of Receiving Official: _____ Date _____

Sample nonpartisan statement of intention of candidacy (available at www.scvotes.org)

Statement of Intention of Candidacy - Nonpartisan

- This form must be completed by a candidate seeking nonpartisan office. Contact the receiving authority for filing deadlines.
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

Name							
Office							
County or City		Election Date					
Address		City		Zip			
Email Address							
Telephone	Cell			Home			Work
Voter Registration Number							
Guidelines for a Candidate's Name to appear on the ballot: <ul style="list-style-type: none"> ▪ A given name or a derivative may be used ▪ The name may not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not: <ul style="list-style-type: none"> ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters 							
Name as you wish it to appear on ballot (please print)							

Candidate's Oath

I affirm I meet, or will meet by the time of the general or special election, the qualifications for this office.

Candidate's Signature

To be Completed by Receiving Authority

Date Received		Time Received		Filing Fee Amount Paid	
Received By		Receiving Authority			

Sample nonpartisan ballot

OFFICIAL BALLOT - SILVERTON COUNTY TOWN OF SILVERTON MUNICIPAL ELECTION APRIL 20, 2010		
Absentee	South Carolina	Absentee
<p>OFFICIAL BALLOT INSTRUCTIONS:</p> <p>(A) Use a blue or black ballpoint pen.</p> <p>(B) To vote for any candidate or question, fill in the oval next to your choice.</p> <p>(C) If you wish to vote for a candidate not on the ballot, write the name of the candidate in the space provided and darken the oval next to the write-in line.</p> <p>(D) If you choose to change or correct your ballot, request a replacement ballot from the Poll Manager/Election Office.</p>		
<p>Mayor One Seat to Fill</p> <p><input type="radio"/> Jimmy Chandler</p> <p><input type="radio"/> Marty Little</p> <p><input type="radio"/> Wallace Morant</p> <p><input type="radio"/> Write-In</p>	<p>Town Council Three Seats to Fill You may vote for three, less than three, but not more than three.</p> <p><input type="radio"/> Mark Brown</p> <p><input type="radio"/> Roger Douglas</p> <p><input type="radio"/> Calvin Hutto</p> <p><input type="radio"/> Dena Oakley</p> <p><input type="radio"/> Bobby Richardson</p> <p><input type="radio"/> Danny Shuler</p> <p><input type="radio"/> Write-In</p> <p><input type="radio"/> Write-In</p> <p><input type="radio"/> Write-In</p>	
<p>74 20 / 01250-14 © Election Systems & Software, Inc. 1991, 2002</p> <p>Typ:04 Seq:0001 Sp:01</p>		
<p>ATTENTION VOTER: DO NOT REMOVE STUB FROM BALLOT</p> <p>OFFICIAL BALLOT - SILVERTON COUNTY TOWN OF SILVERTON MUNICIPAL ELECTION APRIL 20, 2010</p> <p>No. 00001 ABSENTEE PRECINCT Initials of Issuing Officer _____</p>		

Sample partisan ballot

OFFICIAL BALLOT - RAPIDVILLE COUNTY CITY OF RAPIDVILLE MUNICIPAL ELECTION MAY 11, 2010		
Absentee	South Carolina	Absentee
<p>OFFICIAL BALLOT INSTRUCTIONS</p> <p>(A) Use a blue or black ballpoint pen.</p> <p>(B) To vote a straight party ballot, darken the oval <input type="radio"/> beside the name of the party of your choice.</p> <p>(C) To vote a mixed ballot, or in other words for candidates of different parties, omit the straight party mark and darken the oval <input type="radio"/> next to the candidate's name.</p> <p>(D) If you wish to vote for a candidate not on the ballot, write the name of the candidate in the space provided and darken the oval <input type="radio"/> next to the write-in line.</p> <p>(E) Nonpartisan offices, amendments, and questions are not included in the straight party vote and, to be counted, must be marked individually.</p> <p>(F) To vote for any candidate or question, darken the oval <input type="radio"/> next to your choice.</p> <p>(G) If you wish to change or correct your ballot, request a replacement ballot from the Poll Manager/Election Officer.</p>		
<p>City Council District 5 Two Seats to Fill You may vote for two, less than two, but not more than two.</p> <p><input type="radio"/> Paul Davidson Republican</p> <p><input type="radio"/> Courtney Spiller Republican</p> <p><input type="radio"/> Holly Anderson Democratic</p> <p><input type="radio"/> Charles P Russell Democratic</p> <p><input type="radio"/> Write-In</p> <p><input type="radio"/> Write-In</p>		
<p>STRAIGHT PARTY TICKET</p> <p><input type="radio"/> Republican</p> <p><input type="radio"/> Democratic</p>		
<p>Mayor One Seat to Fill</p> <p><input type="radio"/> Monica Whitfield Republican</p> <p><input type="radio"/> Solis Johnson Democratic</p> <p><input type="radio"/> Write-In</p>		
<p style="text-align: right;">Typ:01 Seq:0001 Sp:01 7.4.2.0/1/2009-14 © Election Systems & Software, Inc. 1081, 2002</p>		
<p style="text-align: center;">ATTENTION VOTER: DO NOT REMOVE STUB FROM BALLOT</p> <p style="text-align: center;">OFFICIAL BALLOT - RAPIDVILLE COUNTY CITY OF RAPIDVILLE MUNICIPAL ELECTION MAY 11, 2010</p> <p>No. 00001 ABSENTEE PRECINCT Initials of Issuing Officer _____</p>		

Printer's oath

Give this oath to the printer and any assistants used to print the ballots.

(Use municipal letterhead or name of municipality)

General (or Special) Election

(Date of election)

"I, [_____], do solemnly swear (or affirm) that I will print (enter number of ballots) ballots according to instructions of the Municipal Election Commission of the (enter name of municipality); that I will not print or permit to be printed directly or indirectly more than the above number; that I will at once destroy all imperfect or perfect impressions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed, I will distribute the type used for such work and that I will not communicate to anyone whomsoever, in any manner whatsoever, the size, style, or contents of such ballots."

Signature of Printer _____

Name of Printing Company _____

Date _____

Sample poll manager's oath

(Use municipal letterhead or name of municipality)

(Date of the election)

(Precinct)

(Name of the precinct here)

"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 appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

"We do solemnly swear that we will conduct this election according to the law and will allow no person to vote who is not entitled by law to vote in this election, and we will not unlawfully assist any voter to prepare his ballot and will not advise any voter as to how he should vote at this election."

Signatures of Poll Managers

_____	_____
_____	_____
_____	_____
_____	_____

Sample oath of municipal board of canvassers

(Use municipal letterhead or name of municipality)

(Date of the election)

“I do solemnly swear, or affirm, that I am duly qualified, according to the Constitution of this State, to exercise the duties of this office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.”

Date

Canvass sheet—certification of candidates

(Use municipal letterhead or name of municipality)

We, the Municipal Election Commission of (insert municipality name), hereby certify the following official results for the election of (insert election date):

List offices, candidates' names, vote totals

Note winners by an asterisk beside name or highlight name

_____	_____
_____	_____
_____	_____

Date



1411 Gervais Street PO Box 12109
Columbia, SC 29221
Phone: 803.799.9574 Fax: 803.933.1299
www.masc.sc

©2014 Municipal Association of SC