



## ORDINANCE NO. 563

Authorizing The Acceptance Of the Transfer Of Authority for Conducting Municipal Elections In The Town Of Ridgeway To The Fairfield County Voter Registration And Election Commission; To Define The Powers, Duties, And Responsibilities Assumed By The Fairfield County Voter Registration And Election Commission For The Conduct Of Municipal Elections In The Town Of Ridgeway; To Provide For Reimbursement Of All Cost and Expenses Incurred By The Fairfield 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 FAIRFIELD COUNTY COUNCIL, AS THE GOVERNING BODY OF FAIRFIELD COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

### **Section 1**

#### *Legislative finding*

As an incident to the adoption of this ordinance, the Fairfield County Council as the governing body of Fairfield 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 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 Town of Ridgeway has indicated its desire to transfer all authority for conducting municipal elections within the Town of Ridgeway to the Fairfield 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 Town of Ridgeway from the Town of Ridgeway to the Fairfield County Voter Registration and Election Commission. The Fairfield County Council finds that the Fairfield County Registration and Election Commission is willing to assume the transfer of the powers, duties, and responsibilities for conducting municipal elections in the Town of Ridgeway upon the terms and conditions contained in the ordinance, and the council finds that it is proper, appropriate and in the public interest for Fairfield County Council to adopt an ordinance accepting the transfer of authority for conducting municipal elections from the Town of Ridgeway to the Fairfield County Voter Registration and Election Commission, on the terms and conditions herein contained.

### **Section 2**

#### *Acceptance of authority for conducting municipal elections*

The Fairfield County Council, as the governing body of Fairfield County, South Carolina, hereby accepts authority for conducting municipal elections in the Town of Ridgeway and such authority is hereby



transferred from the Town of Ridgeway to the Registration and Election Commission for Fairfield County in the following particulars:

- (a) The Fairfield County Voter Registration and Election Commission for Fairfield 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 election within Town of Ridgeway;
- (b) Immediately upon closing of the polls at any municipal election in the Town of Ridgeway, the Fairfield 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, canvass 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 Ridgeway Town Council or an appointed authority representing the town government as soon as practicable following the certification;
- (d) accept candidate filing 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.

### **Section 3**

#### *Reimbursement of election costs*

The Town of Ridgeway shall reimburse the Registration and Election Commission of Fairfield 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 conducting of municipal elections in the Town of Ridgeway. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town of Ridgeway shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Fairfield County Voter Registration and Election Commission shall provide invoices and/or other documentation to the Town of Ridgeway of all such costs and expenses incurred in the conduct of Town of Ridgeway municipal elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in the ordinance.

### **Section 4**

#### *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 Town of Ridgeway transferring the authority accepted hereunder;
- (b) adoption of an appropriate ordinance by the governing body of Fairfield 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.

**Section 5**

*Repeal of inconsistent ordinances*

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

DATED this 10th day of May, 2010

FAIRFIELD COUNTY COUNCIL

By: Russell David Brown  
Russell David Brown  
Its: Chairman

Attest: Shryll M. Brown  
Shryll M. Brown  
Clerk to Council

First Reading:	3/22/2010
Second Reading:	4/12/2010
Public Hearing:	5/10/2010
Third & Final Reading:	5/10/2010



## Ordinance 1-1010

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

BE IT ORDAINED by the Governing Body of the Town of Ridgeway, in Council assembled:

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.

WHEREAS, Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of the powers, duties and responsibilities for conducting municipal elections from municipal election commissions to county election commissions upon the adoption of appropriate ordinances by those municipalities desiring to effect such transfer; and

WHEREAS, the Town of Ridgeway desires to transfer all authority for conducting municipal elections to the Fairfield County Voter Registration and Election Commission apart from the following:

1. The Town of Ridgeway will continue to advertise municipal elections.
2. The Town of Ridgeway will continue to accept candidate filings and filing fees, including, but not limited to notices of candidacy, candidacy pledges.

Now, THEREFORE, BE IT ORDAINED by the governing body of the Town of Ridgeway duly assembled in council this 11 day of February, 2010, that all authority for the conducting of municipal elections is hereby transferred to the Fairfield County Voter Registration and Election Commission in the following particulars:

1. Fairfield County Voter Registration and Election Commission shall prepare and distribute ballots and election materials, appoint managers of election for polling place, and otherwise supervise and conduct all municipal election within the Town of Ridgeway.
2. Immediately upon the closing of the polls at any municipal election in the Town of Ridgeway, the Fairfield 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 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 Fairfield County Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Town of Ridgeway as soon as practical following the certification.
4. 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.

The Town of Ridgeway shall reimburse Fairfield County Voter Registration and Election Commission for all costs incurred in providing ballots, printing costs, postage, transportation costs, temporary help, programming charges, poll managers' compensation and other related additional expenses incurred in its conduct of municipal election in the Town of Ridgeway.

DONE in Council this 11 day of February, 2010.

MAYOR:

Charlene N. Herring  
Charlene N. Herring

TOWN CLERK:

Vivian A. Case  
Vivian A. Case

FIRST READING: 1/14/2010  
SECOND READING: 2/11/2010