



ORDINANCE NO. 570

AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF WINNSBORO 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 WINNSBORO; 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 Winnsboro has indicated its desire to transfer all authority for conducting municipal elections within the Town of Winnsboro 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 Winnsboro from the Town of Winnsboro 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 Winnsboro 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 Winnsboro 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 Winnsboro and such authority is hereby transferred from the Town of Winnsboro 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 Winnsboro;

(b) Immediately upon closing of the polls at any municipal election in the Town of Winnsboro, 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 Winnsboro 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 Winnsboro 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 Winnsboro. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town of Winnsboro 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 Winnsboro of all such costs and expenses incurred in the conduct of Town of Winnsboro 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 Winnsboro 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 27th day of September 2010

FAIRFIELD COUNTY COUNCIL

By: Russell David Brown
Russell David Brown
Its: Chairman

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

First Reading: July 26, 2010
Second Reading: August 23, 2010
Public Hearing: September 27, 2010
Third Reading: September 27, 2010

**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 Winnsboro, 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.

SECTION 2

That Section 1:Chapter 8, Elections, of the code of the Town of Winnsboro, 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 Town of Winnsboro 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 Winnsboro will continue to accept candidate filings, including, but not limited to notices of candidacy, candidacy pledges, and nomination petitions.

Now, **THEREFORE, BE IT ORDAINED** by the Governing Body of the Town of Winnsboro duly assembled in council this 15th day of June, 2010, that all authority for the conducting of municipal elections is hereby transferred to the Voter Registration and Election Commission for Fairfield County in the following particulars:

1. The Fairfield 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 Town of Winnsboro.
2. Immediately upon the closing of the polls at any municipal election in the Town of Winnsboro, the Fairfield 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 Town of Winnsboro Town Council or an appointed authority representing the city government 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.

SECTION 3

BE IT FURTHER ORDAINED: That 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 Fairfield County accepting the authority being transferred hereunder; and
- B. Submission to the United States Justice Department and subsequent receipt of preclearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

SECTION 4

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

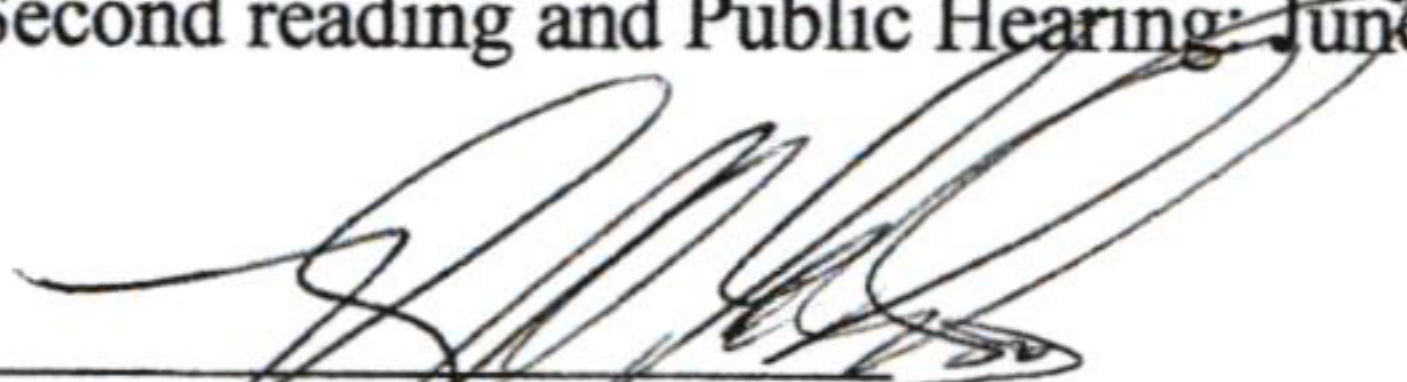
SECTION 5

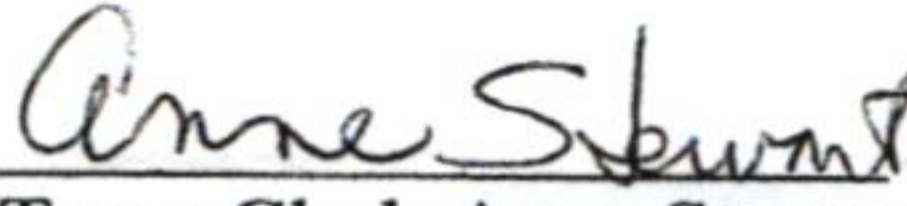
THAT THIS ORDINANCE shall be and become finally binding immediately after same shall have received first and second readings, given in manner prescribed by law.

DONE AND RATIFIED in council duly assembled on this the 15th day of June 2010.

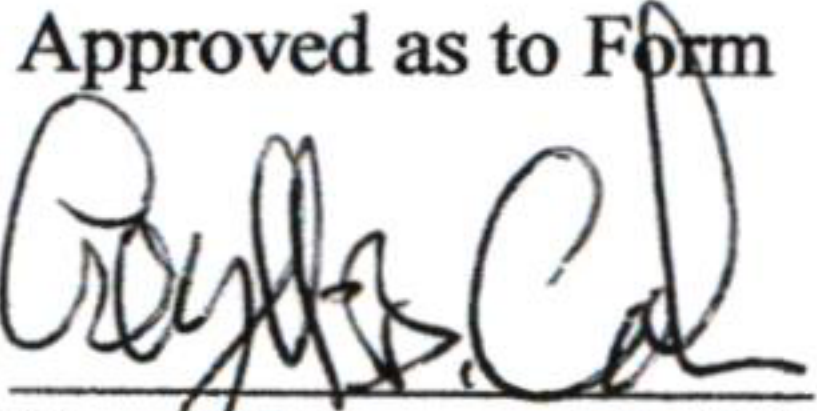
Introduced as first reading: June 1, 2010

Second reading and Public Hearing: June 15, 2010


Mayor Roger A. Gaddy


Attest
Town Clerk Anne Stewart

Approved as to Form


Town Attorney Creighton Coleman

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

AGREEMENT TO CONDUCT ELECTIONS

WHEREAS, the Town of Winnsboro (hereinafter the "Town") has in the past conducted its own municipal elections and the County of Fairfield's (hereinafter the "County") Registration and Elections arm has conducted elections on a countywide basis;

WHEREAS, the Town and County have entered into discussions relating to the County administering the Town's elections in the future for certain consideration;

NOW, THEREFORE, for and in consideration of \$5.00 and the terms and conditions as enumerated below, the Town and County have reached an agreement whereby the County will conduct the municipal elections of the Town based on the following:

1. The term of the agreement between the Town and County is for a minimum term of two years, with the option of two year extensions to be entered into at the end of each two year term;
2. The agreement shall operate concurrently with the County's fiscal year, which runs from July 1 through June 30 of each year;
3. The consideration for the County undertaking the administration of the Town's elections shall be based on a fee of \$1.50 per registered voter per election year, based upon the Town's number of registered voters as of April 15 of each year in which the election is conducted;
4. The aforementioned fee shall be adjusted during the election year and shall be pegged to the percentage millage cost of living cap as set forth by the South Carolina State Budget and Control Board;
5. Payment as determined by the calculations defined above shall be remitted

by the Town to the County on or before August 1 of each year that the said agreement is in force;

6. The Town shall be entitled to have the County conduct one municipal election in each odd numbered year based on the calculations as set forth above. The Town shall be responsible for any and all costs concerning notices pertaining to the elections;

7. Any unused elections shall expire at the end of each fiscal year and the

Town shall receive no credits for unused elections. Should the Town require or need in excess of one election per year, it shall be charged by the County \$0.50 per person voting in the said election, which fee shall be due and payable within 30 days of the election.

This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

This agreement contains the entire agreement between the parties and all prior and contemporaneous negotiations not set forth herein shall be of no force or effect. All such prior and contemporaneous negotiations are merged into this instrument.

In witness whereof, the parties have set their hands and seals this 15th day of June, 2010.

Anne Stewarts
Clerk

ATTEST: Anne Stewarts

Shryll M. Brown
Clerk to Council

ATTEST: Shryll M. Brown

THE TOWN OF WINNSBORO

By: [Signature]

MAYOR

Its:

FAIRFIELD COUNTY

By: [Signature]
Russell David Brown

Its: Chairman