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*Advocacy. Service. Innovation.*

This updated Municipal Election Handbook has been prepared by the Municipal Association of South Carolina and the South Carolina Election Commission as a reference guide for Municipal Election Commissions conducting municipal elections. It does not supersede state election law. Municipal officials should refer to the pertinent sections of the South Carolina Code of Law before conducting any election.

We would like to thank Charles Boykin for developing the original 1992 handbook. Thanks also to Garry Baum, training coordinator for the State Election Commission for editing this edition. Members of Municipal Election Commissions and municipal clerks from around the state were helpful with suggestions for content.

We hope this Municipal Election Handbook will be a useful aid to those who conduct municipal elections.

A handwritten signature in black ink that reads "Howard E. Duvall Jr." in a cursive script.

Howard E. Duvall Jr.  
Executive Director  
Municipal Association of South Carolina

A handwritten signature in black ink that reads "Marci Andino" in a cursive script.

Marci Andino  
Executive Director  
South Carolina Election Commission

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# Authority to hold municipal elections

Section 5-15-10 of the South Carolina Code of Laws authorizes each municipality in South Carolina to hold general elections or special elections at times established by ordinance. Elections under this section must be conducted pursuant to Title 7, except as otherwise provided in Title 5.

Although municipalities are authorized to hold elections, a Municipal Election Commission must conduct those elections.

Every municipality must have a Municipal Election Commission and keep it in existence on a continuous basis. The municipal clerk often provides assistance to the Commission.

About six months prior to the scheduled election, the municipal governing body should ensure a Municipal Election Commission is in place.

Section 5-15-145, adopted by Act 289 of 1992, allows a municipality to transfer the authority for conducting its 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.

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The municipal council should allow six months for planning and carrying out of the election. The first 30 days of the planning period should be devoted to getting the Municipal Election Commission started. If there is no Municipal Election Commission, appoint one. Otherwise, simply activate the existing Commission to conduct the election. Once the Commission is given the responsibility for conducting the election, the countdown may begin.

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# Appointing a municipal election commission

According to Section 5-15-90 of the South Carolina Code of Laws, each municipality in South Carolina must have a Municipal Election Commission (MEC).

The municipal governing body (mayor and council) must appoint three people to the Municipal Election Commission who are

1. residents of the municipality and
2. registered voters of the municipality.

Each Commission member serves a six-year term. Because Section 5-15-90 requires the terms to be staggered, the first Commission appointments should be for the following terms:

1. one member appointed for two years,
2. one member appointed for four years and
3. one member appointed for six years.

After the initial appointments, each Municipal Election Commission member should be appointed for a six-year term. The local governing body may reappoint the same members as their terms expire or may appoint new members.

Section 5-15-145 (C) requires abolishing the Municipal Election Commission when all responsibilities are transferred to the county election commission.

## Political activity of the MEC

No MEC member may participate in political management for or in a political campaign over whose election the member has jurisdiction during the member's term of office. No member may make a contribution to a candidate or knowingly attend a fund-raiser held for the candidate's benefit over whose election the member has jurisdiction. Violation subjects the member to removal by the appropriate appointive authority. Section 7-13-75.

# Actions to be taken at the beginning of a municipal election

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1. Make sure a Municipal Election Commission is in place. If it is not, appoint the Commission immediately.
  2. Have the Commission meet to begin preparing for the election.
  3. Items to be covered at the meeting:
    - a. Appointed Commission members take the oath required under Section 7-13-70. This oath is usually given by any officer authorized to administer oaths, i.e. notary publics, judges.
    - b. Elect a chairman.
    - c. Briefly review Appendix I or II, whichever applies, to become familiar with the election process.
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# Countdown to a Municipal Election...

## Actions to be taken five months before the election

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1. Review election laws.
2. Update election ordinances.

**Note:** The U.S. Justice Department must preclear any changes in local election ordinances.

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## Review election laws

Occasionally, the South Carolina General Assembly will change election laws. Often, these changes will require local governments to update their election ordinances or procedures. To review the current laws, the Municipal Election Commission should contact the municipality's attorney or the State Election Commission.

## Update election ordinances

There are four ordinances that must be reviewed for possible updating.

1. The ordinance providing for the election of the mayor and council, as is required under Section 5-15-40 of the South Carolina Code of Laws.

This ordinance is reviewed to determine which council seats are up for election and when the mayor's seat is up for election.

2. The ordinance establishing ward or district lines and the time for general elections.

This ordinance is reviewed to determine the exact day to hold the election. Although some municipalities may need to enact an ordinance for every election, most choose a specific day, such as the first Tuesday in a specific month. Municipalities with a specified a day do not need to enact a new ordinance for each general election.

Municipalities with wards must specify those by ordinance. Generally, the wards are established after the Census figures are announced and not changed until another Census is taken. The ordinance must keep current with any changes to Census figures. Although Section 5-15-50 provides for municipalities to establish ward lines, the General Assembly must set or alter precinct lines.

3. The ordinance adopting the method of nominating and electing candidates.

a) **Nonpartisan** – Section 5-15-60 requires one of the following methods be adopted by ordinance:

- 1) The plurality method prescribed in Section 5-15-61
- 2) The election and run-off election method prescribed in Section 5-15-62
- 3) The primary election and general election method prescribed in Section 5-15-63

The ordinance adopting the method of nonpartisan election also may allow for the filing of statement of candidacy or a petition of not less than 5 percent of the qualified electors of the geographical area of the office sought (Section 5-15-70). However, no petition may be allowed for the general election in the primary/general election method prescribed in Section 5-15-63. A petition must be filed with the MEC for nonpartisan elections under Section 5-15-70.

b) **Partisan** – Council must adopt an ordinance to determine the time for filing nominating petitions, holding primaries or conventions and the time for closing of entries (Section 5-15-70). Section 5-15-80 gives the procedure for dealing with the results of party primaries.

The ordinance should provide for candidate nomination by petition of not less than 5 percent of qualified electors of the geographical area of the office sought in a partisan election, Section 5-15-110 requires the petition to be filed with the Municipal Election Commission.

4. For either the nonpartisan or partisan method, the ordinance must provide for all filing times, manner of filing, primary or convention dates (if any), petition deadline (if any) and election dates.

a) The ordinance may include filing fees for each office. A guideline for determination of filing fees for partisan and nonpartisan offices can be found in Section 7-13-40, which, in part, suggests a filing fee of 1 percent of the total salary for the term of that office.

Partisan primary elections or conventions must be held in time for candidates to be certified by the Municipal Election Commission at least 60 days prior to the general or special election.

# Countdown to a Municipal Election...

## Action to be taken four months before the election

By this time, the Municipal Election Commission should have completed the following:

1. All ordinances governing the scheduled election should be up-to-date. Any necessary changes have been made and given final reading by the municipal council.

**NOTE:** The U.S. Justice Department must preclear all changes prior to implementation. The Justice Department has 60 days after receipt of changes to respond. Do not publish a notice of filing times and election until receiving clearance from the Justice Department.

If any necessary changes have not been made, stop and make those changes now. You are approaching a time when the election could be delayed if council has not given the final approval to the correct governing ordinances.

2. A calendar of key dates should be developed that shows who is responsible for what and when. The key dates should be taken from the ordinances and the tasks (items 4 - 7 below) should be assigned based on the manpower of the Municipal Election Commission.
3. The Commission should list and act on all tasks assigned to non-commission members.
4. Identify and contact poll workers to determine who can serve in the upcoming election.
5. Determine if any training is necessary for the poll workers.
6. The Municipal Election Commission should contact the County Election Commission to arrange vote recorders, optical scan systems or voting machines if they are to be used. The Municipal Election Commission should begin preparing orders for any ballots and related materials to be used with the voting system.
7. The Commission should make sure polling places are available. Even though the General Assembly establishes the polling places, the Municipal Election Commission should make sure each polling place will be available on election day, and keys, if necessary, are available. Activities scheduled at the polling place on election day should not interfere with the election activities. The Justice Department must preclear any polling place change.

# Countdown to a Municipal Election...

## Actions to be taken three months before the election

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1. Public notice prepared and sent to the newspaper.
  2. Bid solicitation prepared for printer to print ballots.
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## Public notice

Sections 5-15-50 and 7-13-35 require a municipality to prepare and publish a public notice twice giving specific information about the scheduled election. Because the first notice **must be published at least 60 days before the election**, the notice should be prepared now. Recent amendments to Sections 5-15-70 and 5-15-110 have established substantially earlier dates for the closing of filing by candidates in both partisan and non-partisan general and special elections. Consideration should be given to publishing the public notice of the election about 90 days prior to the date of the election.

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 absentee ballots will be counted.

It is strongly recommended to include information instructing potential candidates on how to file for office in this election.

The second notice must be published not later than two weeks after the first notice.

The notice should be sent to a newspaper of general circulation in the municipality with instructions specifying when the notice is to be published.

To determine when to publish the first notice, count back 60 days from the day before the scheduled election.

Sample notices are located on page 50 and 76.

## **Soliciting bids for printer to print ballots**

The Municipal Election Commission should prepare a bid package containing the following information:

1. a sample ballot,
2. the printer's oath (Section 7-13-420),
3. estimated number of ballots,
4. ballot specifications and
5. the deadline for ballot delivery.

The above information should be sent to qualified printers in accordance with the municipal government's procurement policies.

If a municipality conducts its elections using the same voting system used by the county, contact the County Election Commission regarding use of that voting system.

# Countdown to a Municipal Election...

## Actions to be completed 75 days before an election

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1. All petitions received and receipts given.
  2. Petitions given to the County Board of Voter Registration for validation.
  3. Petition candidates' Statement of Economic Interest sent to State Ethics Commission.
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## Receive petitions from candidates seeking to qualify by this method

Sections 5-15-70, 5-15-110 and 7-13-351 allow candidates to qualify for placement on municipal election ballots by the petition method.

By noon 75 days before the election, all petition candidates must have their petitions and Statement of Economic Interest submitted to the MEC. MEC may designate the municipal clerk to receive petitions and Statement of Economic Interests forms. The petition must have signatures from at least 5 percent of registered voters from the geographical area covered by the office sought by the candidate.

**Example:** A petition candidate from Ward 1 will need signatures from 5 percent of the voters in Ward 1 to qualify as a petition candidate for the Ward 1 seat.

At the time the petition is filed, a receipt must be given. It is suggested the receipt contain the following information.

- A. Candidate's name
- B. The office sought by the candidate
- C. Number of pages submitted
- D. Number of signatures submitted
- E. The date and time the petition was submitted
- F. A place for the person receiving the petition to sign, acknowledging receipt of the petition

**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 on even-numbered years), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.

Section 7-11-80 provides the following requirements for the petition:

1. Good quality original bond paper sized 8 1/2" by 14".
2. The name of the candidate, the office for which he seeks, and the election date for the office.
3. The following information in separate columns from left to right:
  - a. signature of voter and printed name of voter,
  - b. address of residence where registered and
  - c. precinct of voter.
4. No single petition page should contain the signature of registered voters from different counties.
5. All signatures of registered voters should be numbered consecutively.
6. Petitions with more than one page must have the pages consecutively numbered when filing with the municipal clerk.

Petition forms are available from the County Board of Voter Registration or the State Election Commission. A sample petition is located on page 51.

## **Actions to be taken with the petition**

After the petition is received, the Municipal Election Commission has 15 days to verify the signatures and act on the petition. Verification of petitions should be done according to Section 7-11-85 of the Code of Laws of South Carolina. The Municipal Election Commission should, as soon as possible after receiving the petition, submit the petition to the County Board of Voter Registration. The County Board of Voter Registration checks the petition and notifies the Municipal Election Commission of the results. The petition results must be in the hands of the Municipal Election Commission by noon on the 60th day before the scheduled election.

Along with the petition, the candidate must file a Statement of Economic Interest. The Municipal Election Commission has five days after filing closes to submit the Statement of Economic Interest to the State Ethics Commission. Candidates who fail to file the Statement of Economic Interest before the election cannot be placed on the ballot, unless the State Ethics Commission approves a late filing. Refer candidates to Sections 8-13-1300 to 1372 for the most recent Ethics Commission requirements.

# Countdown to a Municipal Election...

## Actions completed or to be completed 60 days before the election

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1. Public notice published (See public notice section, page 7).
  2. Letters to poll workers mailed.
  3. Organization of and training for poll workers arranged.
  4. Voter registration list requested from the County Board of Voter Registration.
  5. Printer bids opened and printer selected to print the ballots.
  6. Preparations made for petition candidates.
  7. All candidates certified to be on ballot.
  8. Candidates placed on the ballots.
  9. Candidates filed Statement of Candidacy.
  10. Statement of Economic Interest sent to State Ethics Commission.
  11. Ballots ordered and Printer's Oath provided.
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With only 60 days left before the election, the Municipal Election Commission needs to meet on a regular basis. The meetings should monitor progress and assure key steps and dates are being met.

### Public notice published

The first notice required under Sections 5-15-50 and 7-13-35 should have been published by this time.

### Letters to poll managers mailed

By this time, the Municipal Election Commission should have identified potential poll managers for the scheduled election. Sections 5-15-100 and 7-13-70 of the South Carolina Code of Laws require the Municipal Election Commission to appoint three poll managers for the first 500 registered voters in a precinct and one for each additional 500 registered voters in the precinct. One of the managers must be appointed clerk. The poll managers must take oaths prescribed by Article III, Section 26 of the South Carolina Constitution and by Section 7-13-100. Also, the MEC must appoint a chairperson of the managers. The poll managers should be residents and registered voters in the county or in an adjoining county where the election is held, as required by Section 7-13-110 of the South Carolina Code of Laws. Section 7-13-120 prohibits candidates and/or the spouse, parents, children, brothers or sisters of a candidate from serving as poll managers in any precinct where that candidate's name appears on the ballot.

Notify potential poll managers by letter. The letter should ask the potential manager to respond indicating his/her intention to work the polls on election day.

## **Organization of and training for poll managers**

The Municipal Election Commission should either begin preparations to conduct training for poll managers or seek training assistance from the County Election Commission or the State Election Commission. At this time, a tentative training date should be established. Ideally, the training should be held within two weeks of the election.

## **Request voter registration list**

The Municipal Election Commission should request from the County Board of Voter Registration a list of all registered voters for the precincts involved in the upcoming election. The request should be made at this time even though the registration list will not be complete until the registration books close for the scheduled election. The books for the scheduled election will not close until 30 days before the election. Even after registration for the election has closed, the list will not be available until the County Board of Voter Registration has noted all absentee ballots, usually one or two days before the election.

## **Printer bids opened and a printer selected**

Printers that received bid packages should have responded. The Municipal Election Commission should examine the responses, select the printer and finalize the agreement to print the ballots.

## **Prepare for petition candidates**

The Municipal Election Commission should prepare blank receipts to be used for petition candidates. A blank receipt sample is located on page 52.

## **Preparation of forms**

Statement of Candidacy forms for non-partisan elections are located on page 53 and 54.

## **All candidates certified to be on the ballot**

All candidates determined by the Election Commission to be in compliance with the applicable provision of S.C. Code Sections 5-15-70, 5-15-110, and 8-13-1356 should be placed on the ballot. This determination must be made not less than 60 days prior to the election.

All candidates for the scheduled election must be certified by the 60th day prior to the election.

## **Petition candidates**

Each petition candidate must have filed the necessary petition and Statement of Economic Interest 75 days prior to the election. If the petitions were correctly completed and the State Ethics Commission has approved the Statement of Economic Interest, the candidate should be notified by letter his name will appear on the ballot for the scheduled election.

## **Nonpartisan candidates filing under a Statement of Candidacy**

Candidates qualifying by a Statement of Candidacy must file both their Statement of Candidacy and Statement of Economic Interest with the Municipal Election Commission by the 60th day before the scheduled election. Failure to file either of these documents by the specified time will result in the person's name not appearing on the ballot.

Any fees accompanying the Statement of Candidacy must be paid when filing the Statement. An ordinance must establish all filing fees, if any, for nonpartisan elections.

**Important Note:** If the municipality's general election is conducted on the same date as the county's general election (the first Tuesday after the first Monday in even-numbered years), the filing deadline for nonpartisan candidates who file by Statement of Candidacy is noon, Aug. 15. This date coincides with the county's filing deadline for nonpartisan candidates. Section 7-13-350.

## **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 time frame. Although the Municipal Election Commission is not involved in these primaries or conventions, candidates being nominated by a political party must be certified to the Municipal Election Commission by the 60th day prior to the election.

Filing fees, if any, must be paid to the political party.

## **Statement of Economic Interest sent to State Ethics Commission**

Section 8-13-1356 requires the Municipal Election Commission or a political party holding a municipal primary to file each candidate's Statement of Economic Interest with the State Ethics Commission within five days of the closing of filing. For more information, call the Ethics Commission at 803.253.4192 or visit [www.state.sc.us/ethics](http://www.state.sc.us/ethics).

Contents of the Statement of Economic Interest are specified under Section 8-13-1120 and available from the State Ethics Commission.

## **Ballot ordering and form**

Immediately after certifying the candidates, the Municipal Election Commission can order the printing of the ballots.

## **How many ballots should be ordered?**

If paper ballots are used, the Municipal Election Commission should order ballots equal to 110 percent of the number of registered voters for each precinct involved in the scheduled election.

If voting machines are used, the law requires emergency ballots not to exceed 10 percent of the registered voters in each precinct.

## **How many absentee ballots should be ordered?**

The Municipal Election Commission may order absentee ballots up to 15 percent of the number of registered voters for the scheduled election.

## **Who should appear on the ballot?**

All candidates who were certified according to the municipal government's nomination procedure or who met the requirement as a petition candidate should have their names printed on the ballot for the appropriate office. For non-partisan elections, the names are placed on the ballot in alphabetical order. The legal requirements for the placing of names on the ballot is provided under Section 7-13-335.

## **How should a candidate's name appear on the ballot?**

The candidate may, under Section 7-13-325, use his/her given name, a derivation thereof or a nickname on the ballot. The Statement of Candidacy or other instrument used to declare the candidate's interest in seeking office should have the candidate's choice of name clearly printed as it should appear on the ballot.

To use a derivation or nickname, the candidate should make his/her request in writing to the Municipal Election Commission. The letter should include a statement that the name to be used is one by which the candidate is commonly known in his community and is used in good faith and for honest purposes. This request may be listed on the Statement of Candidacy form.

## **May a candidate use a title with his/her name?**

Although a candidate may use a nickname or other derivation of a given name, no candidate may use a name that implies professional or social status, an office or military rank.

## **Should there be a place on the ballot for a write-in candidate?**

Section 7-13-360 requires a space for a write-in candidate for each office to be voted on in a general or special election. In a run-off election, no write-in spaces are allowed on the ballot.

## **How should the ballot look?**

The form of the ballot and the instructions for completing the ballot should look very similar to the sample ballots on page 55 and 56.

## **Should sample ballots be provided?**

Although not required, it is recommended that the MEC direct the printer to provide a number of unnumbered ballots, clearly marked "SAMPLE" for distribution to candidates, the media and the public.

# Countdown to a Municipal Election...

## Actions to be taken 50 days before an election

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1. Pick up absentee ballots from the printer.
  2. Give absentee ballots to County Board of Voter Registration.
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### **Pick up absentee ballots from printer**

The Municipal Election Commission should pick up the absentee ballots from the printer and make sure that are ready for the election.

### **Give absentee ballots to County Board of Voter Registration**

As soon as the ballots are picked up, the Municipal Election Commission should give them to the County Board of Voter Registration.

# Countdown to a Municipal Election...

## Actions to be taken 30 days before an election

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1. Poll Managers notified of training.
  2. Conduct poll managers' training.
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## Poll workers notified of training

Notify poll workers of the upcoming training session. Schedule training within 10 days of the election. Personnel from the Municipal Election Commission, County Election Commission or the State Election Commission may conduct the training.

## Conduct poll workers' training

Conduct poll workers training within this period. The state or county election commission can supply Poll Manager's Handbooks for use by managers of municipal elections. Items to be covered at training session:

1. setting up the polling place
2. getting voters signed in and distributing the ballots
3. what to do if not enough ballots
4. husband and wife wish to vote together
5. voter requests instructions after entering the voting booth
6. candidates wish to observe
7. voter wishes to take sample ballot into voting booth
8. disturbance occurs
9. candidates or watchers wish to see voter registration list or poll list
10. voter returns absentee ballot to polling place
11. voter does not have identification
12. campaign material is being distributed or displayed at polls
13. voter spoils his ballot
14. poll watchers wish to observe
15. voter requests assistance in voting
16. voter is challenged
17. voter's name cannot be found on voter registration list
18. a disabled or elderly voter wishes to vote curbside
19. voter's address on identification does not match address on voter registration list
20. placement of voting booth, table and guard rail in compliance with Section 7-13-130
21. special training on voting system to be used in the election and opening and closing the voting machine
22. fail-safe voting

# Countdown to a Municipal Election...

## Actions to be taken five days before an election

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1. Assemble voting materials.
  2. Make sure polling places are ready.
  3. Pick up ballots from the printer.
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## Assemble voting materials

Prepare the following materials for each polling place:

1. Voter registration list and poll list
2. Ballot boxes
3. Voting booth
4. Table for poll workers
5. Guard rails
6. Manager's Oath (required under Section 7-13-100)
7. Identification badges for managers
8. All necessary forms for reporting results
9. Pencils and pens
10. Other necessary supplies

## Make sure polling places are ready

The Municipal Election Commission should check each polling place to make sure it will be ready for election day. The polling place should be available from 7:00 a.m. until 7:00 p.m. on election day in compliance with Section 7-13-60 of the South Carolina Code of Laws. The Commission should also make sure keys are available and workers will have access to things they will need on election day.

## Pick up ballots from the printer

With about five days to go, it is time to pick up the regular ballots from the printer. The ballots should be placed in a safe and secure place, such as the city's vault, until the day before the election. If there is no safe and secure place, the ballots should be left with the printer until the day before the election.

# Countdown to a Municipal Election...

## Actions to be taken with one day to go

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1. Give poll supplies to designated poll manager.
  2. Have each manager check supplies.
  3. Give each manager a telephone number for election headquarters.
  4. Pick up voter registration list from County Board of Voter Registration.
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## Give poll supplies to designated poll manager

The supplies compiled earlier should be turned over to the poll manager.

## Have poll manager check supplies

The poll manager should immediately check the list of supplies against the actual supplies received. If any are missing or short, the poll manager and the Municipal Election Commission should make the corrections immediately.

## Give each poll manager a telephone number for election headquarters

The Municipal Election Commission should have a location with a telephone that will serve as election headquarters. A commissioner should plan to be at election headquarters throughout election day. Each poll manager should receive the telephone number of election headquarters.

## Voter registration list picked up from the County Board of Voter Registration

The voter registration list from the County Board of Registration should be picked up as soon as the Municipal Election Commission is notified the list is ready. When the list is picked up, the Municipal Election Commission 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 list is released to the MEC, it is the responsibility of the MEC to mark the appropriate voter registration list accordingly. Obtain a list of such voters from the County Voter Registration Board on the day before the election or election morning. Make sure each list is marked as early as possible.

# Election Day...

## Actions to be taken on election day

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1. Managers should arrive at least 45 minutes before the polls are scheduled to open (by 6:15 a.m.).
  2. Polls open at 7:00 a.m.
  3. One Municipal Election Commission member should be available to visit each polling place.
  4. At least one Municipal Election Commission member should be available throughout the day at election headquarters.
  5. Polls must close at 7:00 p.m.
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## Poll manager's oath

Poll managers may elect a chairperson for their respective polling place. The chairperson administers the oath to all poll managers at that polling place. Each poll manager must take the oath before opening the polls at 7:00 a.m. Each poll manager must sign the oath which is filed along with the tabulation sheets at the close of the polls. A sample oath is located on page 58.

## Fail-safe voting

Fail-safe voting allows a registered voter who moves from one precinct to another, within the same county, to vote even though he/she has not notified the County Board of Voter Registration of the move prior to election day. This procedure, required by Federal law, affects municipal elections.

a) Voters who have moved from one precinct to another within the municipality may go to the polling place in their old precinct, notify managers they have moved and vote a fail-safe ballot containing municipal-wide offices (no district offices unless they are voted on by every voter). This ballot is challenged. A Voter's Change of Address form is completed and signed by the voter.

**– or –**

The voter may, if he/she wishes, go to the county voter registration office, re-register on election day, then vote a full, unchallenged ballot at this office.

b) Voters who have moved from a precinct outside the municipality to one inside the municipality within the same county should go to the county voter registration office on election day, re-register in the municipal precinct of residence, then vote a full, unchallenged ballot. Voters in this category must have resided in the municipality for at least 30 days prior to the election.

# After the Polls Close...

## Actions to be taken after the polls close

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1. The poll managers publicly counts the votes (except where voting machines are used) at their respective polling place.
  2. The managers signs the necessary reporting forms and gives the results to the Municipal Election Commission.
  3. The Municipal Election Commission counts the absentee ballots or appoints managers to count the absentee ballots.
  4. Where voting machines are used, ballots are not counted at the polls but are tabulated at a central counting station.
  5. Municipal Election Commission announces unofficial results.
  6. In the event of a tie vote, see Section 5-15-125.
  7. The Municipal Election Commission prepares for recounts and run-offs if necessary.
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## Counting the ballots

Section 5-15-120 requires the poll managers, immediately upon closing the polls, to publicly count the votes cast and make a statement of the whole number of votes cast in the election. The statement should include the votes cast for each office. This information must be delivered to the Municipal Election Commission.

**NOTE:** Section 7-13-1110 allows the use of volunteers who are not candidates or watchers to take the prescribed oath and assist with the counting.

Immediately after the polls close, the poll managers should:

- a. Count the number of people who voted, as shown on the poll list.
- b. Count the unused ballots without removing stubs.
- c. Count the spoiled and defaced ballots.
- d. Insert the totals of the above on the appropriate forms provided in the materials given with the poll supplies.
- e. Count the number of votes cast for each candidate.

All of the above results must be reported to the Municipal Election Commission pursuant to Section 5-15-120 of the S.C. Code of Laws.

The poll manager counts and secures or inactivates all voting machines in the polling place so no machine may be used or operated by any unauthorized person in the polling place.

The poll managers removes the voted ballots from the containers and sorts them according to types or parts, if more than one type or part has been used.

If the number of voted ballots exceeds the number of voters whose names appear upon the poll list, the managers must enter on the poll list an explanation of the discrepancy. Any manager having a different explanation must enter it on the poll list and sign it.

Before leaving the precinct, each ballot should be reviewed and checked for write-in candidates. All write-in ballots that were voted according to instructions must be tabulated.

If a ballot is spoiled or damaged so that it cannot be processed through the counting device, the Municipal Election Commission may, in the presence of witnesses, prepare a duplicate ballot expressing the intentions of the spoiled ballot. Once this is done, the new ballot should be labeled "duplicate" and given the serial number that appeared on the original ballot. The original ballots should be preserved.

## **In the event of a tie vote**

Section 5-15-125 requires the Municipal Election Commission to hold a run-off election in the event of a tie. The run-off election should be held two weeks after the first election unless the day falls on a legal holiday. If the day falls on a holiday, the run-off election will be held the week following the holiday.

## **Recounts and run-offs**

It is important to remember recounts or run-off elections cannot be ordered election night. The MEC must first canvass the official election results at its canvassing and certification meeting. This meeting should be held within three days following the election. If a recount is necessary or a run-off election is required, the MEC will order it at that time.

## **How to determine winners of nonpartisan elections using**

- (A) plurality
- (B) majority and runoff or
- (C) primary and general election

**(A)** If a municipality uses the nonpartisan plurality method, winners should be determined by the following:

1. When more than one person is seeking election to a single office, the candidate receiving the highest number of votes shall be elected.
2. When more candidates are seeking election to two or more offices than there are offices to be filled, those candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be elected. Section 5-15-61.

**(B)** If a municipality uses the nonpartisan election and runoff method, winners should be determined by a majority of the votes as follows:

1. When more than one person is seeking election to a single office, the majority shall be determined by dividing the total votes cast for this particular office, including write-ins, for all candidates by two. Any excess of this sum shall be a majority. (\*See *NOTE below*) The candidate who obtains a majority shall be elected.

2. When more candidates are seeking election to two or more offices than there are offices to be filled, the majority is determined by dividing the total votes cast for this particular office, including write-ins, for all candidates 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*) The candidates who obtain a majority shall be elected. If more candidates obtain a majority than there are offices to be filled, those candidates having the highest vote (equal to the number of offices to be filled) shall be elected.

If no candidate for a single office or an insufficient number of candidates for two or more offices receives a majority vote, a runoff election shall be held as follows:

1. 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 weeks later between the two candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be elected.

2. 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 shall be 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 shall be elected.

Write-ins are not allowed in these runoff elections. Sections 5-15-62.

**NOTE:** In determining a majority, any excess of a sum is considered a majority. If, after dividing your totals by the appropriate numbers, your sum is a fractional number, you do not round up or round down to a whole number. For example, three candidates are running for Mayor. After the election, there are 1233 total votes cast for this office. Candidate A received 310 votes, candidate B received 617 votes, 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.

**(C)** If a municipality uses the nonpartisan primary and general election method, winners should be determined as follows:

1. There shall be a primary to reduce the field of candidates to two for each position to be filled if, when the filing period closes, there are more than two candidates for single office or the number of candidates for group of offices exceeds twice the number of positions to be filled. If only one or two candidates file for a single office, no primary election shall be held for that office and the candidates shall be declared nominated.

2. In the primary election, the two candidates for a single office receiving the highest number of votes and those candidates for a group of offices receiving the highest number of votes, equal to twice the number of positions to be filled, shall be declared nominated.

3. In the general election, the names of those candidates declared nominated without a primary election and those candidates nominated in the primary election shall be placed on the ballot. The candidate for a single office receiving the highest number of votes is elected. Those candidates for a group of offices receiving the highest number of votes, equal in number to the number of positions to be filled are elected. Section 5-15-63.

# After Election Day...

## Actions to be taken after the election

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1. Certify of election results.
  2. Newly elected officers must wait 48 hours.
  3. If there is a written protest filed, the Municipal Election Commission has 48 hours from the filing of the protest to hold a hearing.
  4. The Municipal Election Commission should decide all issues of the protest.
  5. Notice of the decision must be given to all concerned parties.
  6. Decision shall be filed with the clerk of court in the county where the municipality is located.
  7. Concerned parties have 10 days to appeal.
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## Certify results

Pursuant to Section 5-15-100, managers must certify election results to the Commission within one day. The Commission must declare the results no later than three days following the election.

## Newly elected officers must wait 48 hours

Section 5-15-120 of the South Carolina Code of Laws does not allow newly elected officers to be qualified until 48 hours after the polls closing. In cases where a protest is filed, the incumbent remains in office until the protest is determined.

## Written protest

Section 5-15-130 of the South Carolina Code of Laws allows any candidate to protest the election result certified by the MEC. The protest must be filed in writing along with a concise statement of the grounds for the protest. The written protest should be filed with the MEC chairperson no later than 48 hours after the polls close. The Municipal Election Commission must hold a hearing on the issues raised by the candidate within 48 hours of the protest being filed. The hearing is limited to the issues filed in the written protest.

## **Municipal Election Commission to decide the issues**

The Municipal Election Commission should notify all concerned parties of the protest and hold a hearing within 48 hours of the protest filing. The municipality's attorney should be present to provide legal advice during the hearing. Also, there should be a court recorder present to record the testimony and hearing proceedings. The Municipal Election Commission must decide only the issues in the written protest.

## **Notice of the decision will be given to all concerned**

The Municipal Election Commission notifies all concerned parties of the decision and immediately prepares a written order setting out the facts and findings that led to its decision. Copies of this signed order should be sent to each candidate involved in the protest.

## **Candidate has 10 days to appeal**

Candidates have 10 days from being notified of the Municipal Election Commission's decision to appeal to the Court of Common Pleas. The notice of appeal shall act as a stay of further proceedings pending the appeal.

# Special Elections

Section 5-7-200 of the South Carolina Code of Laws provides for a special election to be held when a mayor or councilmember leaves office more than 180 days prior to the next general election. The Justice Department has precleared the provisions covering special elections under Sections 7-13-190 and 5-15-70. However, the Justice Department still requires the municipality to receive preclearance for the special election date.

## Filed by partisan election

If the office is to be filled by partisan election, filing opens at noon on the third Friday after the day the vacancy occurs. The filing will close at noon on the 10th 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, the petition must be submitted 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 11th Tuesday after the vacancy occurs. Any run-off must be held on the 13th Tuesday after the vacancy occurs. The special election must be held on the 18th Tuesday after the vacancy occurs. If the Tuesday of a special election falls on a holiday (other than the day of a general election), the election should be held on the following Tuesday. If the special election falls on the Tuesday of a general election, the special election may be held along with the general election.

## Filed by nonpartisan election

If a Statement of Candidacy is authorized, it must be filed no later than noon, 45 days prior to the election. The filing must be done in the same manner as during the general election. If the filing is scheduled to close on a state holiday, it should remain open until the next weekday.

If seeking nomination by petition, the candidate's petition must be submitted to the municipal clerk 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 13th Tuesday after the vacancy occurs. If the Tuesday of the election falls on a holiday (other than the day of the general election), the election must be held on the next Tuesday.

## 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 shall conduct all elections on the same date. The special elections must be held on the latest date required for an election during this 28-day period.

## **Filling the vacancy created by an elected official who is elected or appointed to another office**

Section 8-1-145 of the South Carolina Code of Laws allows elected officials to give an irrevocable resignation. The resignation would take effect on a specific date in the future. Under this Section, the local government treats the effective date of the resignation as the date the vacancy will occur and establishes an election based on the date the written irrevocable resignation is submitted.

The election must be conducted according to the Section 7-13-190 of the South Carolina Code of Laws.

Once elected, the new councilmember will not take office until the vacancy actually occurs.

**Example:** A city councilmember is appointed judge by the General Assembly. 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 city arranges and holds an election for the councilmember's seat. The newly elected councilmember may not take office until the resigning member actually leaves on the effective day of the resignation.

## **If a municipality fails to conduct its election during the scheduled time, the Governor orders the new election**

When a MEC neglects, fails to or refuses to order, 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.

## **If only one candidate has filed and no one has declared to be a write-in candidate**

A 2002 amendment to Section 7-13-190(E) provides that, for municipal general elections and for special elections to fill a vacancy in office, no election is held 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 close of the filing period. *Caution: A State Attorney General's Opinion, dated September 4, 2003, concluded this amendment's restriction on write-in voting is "constitutionally suspect."*

# Initiative and Referendum

Qualified voters of a municipality have the power under Section 5-17-30 to propose ordinance(s) to the council for passage or repeal. To exercise this power, the voters must have a properly executed petition.

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1. The properly executed petition is submitted to council.
  2. Council must take action.
  3. If the council's action is not in accord with the petition, the council must schedule an election on the question presented by the petition.
  4. The election on the question must be held not less than 30 days after council action but no more than one year from the action.
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The action proposed by the petition will not relate to budget or tax levy unless as provided in Section 5-17-20 of the South Carolina Code of Laws.

## Starting a petition for an initiative or referendum

**NOTE:** The procedures below are only suggestions and not required by the South Carolina Code.

Although South Carolina laws do not require the group circulating a petition to register with the municipality, it would help all concerned if a committee representing the petition effort registered with the municipal clerk. This registration can occur at any time during the petition process and will provide for better communication between the municipality and the petition effort.

Any person may register with the municipal clerk for the committee by filing an affidavit stating he/she will constitute the petition's committee and be responsible for circulating the petition and filing the proper form. The committee members may give their names and addresses and specify which address should receive all notices. The affidavit should explain in full the proposed initiative or referendum.

After receiving the affidavit, the municipal clerk will issue the appropriate petition blanks to the petitioner's committee.

## **Completing petitions for initiatives or referendum**

1. The petition should have the signature of at least 15 percent of the number of voters registered for the last general election.
2. The original petition, with the signatures, should be certified by the MEC.
3. The petition should be on the form given by the municipal clerk.
4. Each signature on the petition should be written in ink.
5. When signed, each petition should have attached a complete wording of the proposed initiative or referendum.
6. There should be an affidavit of the circulator attached to each petition that
  - a. States the circulator did circulate the petition.
  - b. Gives the number of signatures on the petition.
  - c. Attests to the fact all signatures were affixed in the presence of the circulator.
  - d. States the circulator believes that each signature was given by the person whose name appears on the petition.
  - e. States each signer had an opportunity to read the petition before signing.

## **Receiving the petition**

1. The municipal clerk must give the original petition to the MEC for review.
2. The Municipal Election Commission should send the original petition to the County Board of Registration to verify the signatures.
3. Within 15 days of receiving the petition, the County Board of Voter Registration should notify the Municipal Election Commission of the results of the review of signatures.
4. The Election Commission should notify the petition committee of the results of the County Board of Voter Registration's review.
5. If the petition is found insufficient, the petitioners may seek a review with the MEC.

## **Acting on the petition**

1. When the MEC finds that the petition is sufficient, it should present the petition to the municipal council.
2. The municipal council should act on the petition or approve an ordinance for an election. The election must be held no less than 30 days but no more than one year from the council action on the petition.

## **Section 5-15-145: Transfer of authority for conducting municipal elections to county election commission**

- (a) Municipalities are authorized to transfer authority for conducting municipal elections to the county elections commission. County election commissions are authorized to conduct municipal elections.
- (b) As a condition of the transfer of authority to conduct elections pursuant to this section, 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 authority is being transferred, and the county ordinance must accept the authority being transferred.
- (c) When the total responsibility for the conduct of a municipal election is transferred to a county election commission, pursuant to the provisions of this section, the municipal election commission is abolished.
- (d) If the municipality, by ordinance, transfers a portion of the responsibilities for the conduct of a municipal election to a county election commission, the municipality shall not abolish the municipal election commission.
- (e) A municipality, which by ordinance transfers authority for conducting municipal elections to the county election commission under this section, 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 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.

DONE AND RATIFIED in council assembled on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

# Sample 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:

## **Section 1**

### *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 elections 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 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.

## **Section 2**

### *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.

### **Section 3**

#### *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.

### **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 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.

### **Section 5**

#### *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. Section 7-7-1000.

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1. Any precinct which contains 500 or more registered voters within the municipality must have its own voting place.
  2. Total number of voters within the municipality in each group of pooled precincts cannot exceed 1,500.
  3. The voting place of any precinct pooled with others cannot be more than three miles from the nearest part of any pooled precinct.
  4. The notice requirements of Section 7-7-15 must be complied with. 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, then it must be published on the date of publication nearest and prior to the date of election.
  5. 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.
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# Nonpartisan Elections

## Appendix I

**NOTE:** This section contains several sample items. Municipalities should make sure documents are correctly worded for the municipality's circumstances prior to use.

# Duties of the Municipal Election Commission (MEC)

(Nonpartisan Election/Paper Ballots)

## I. Filing for office

Home Rule legislation provides for two methods of filing by candidates in non-partisan elections. The municipal governing body must, by ordinance, designate whether candidates will file by petition or statement of candidacy.

**If candidates file by petition:**

**Not later than 75 days ( Date \_\_\_\_\_ )**

\_\_\_\_\_ Nomination petitions filed with the municipal clerk.

**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), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.**

**NOTE:** Petitions must contain the signature of not less than 5 percent of the registered voters of the geographical area of the office for which the candidates offer.

\_\_\_\_\_ Each candidate filing a petition must receive a receipt for his petition. The receipt should contain the candidate's name, the office sought, the number of pages submitted, the number of signatures and the date and time submitted.

\_\_\_\_\_ Candidates must file a Statement of Economic Interest form which the MEC must file with the State Ethics Commission within five days after the filing period closes. Candidates failing to file this Statement will not have their names printed on the ballot.

\_\_\_\_\_ The municipal clerk turns all petitions over to the MEC, who turns the petitions over to the County Board of Voter Registration. This board has 15 days to verify signatures on the petitions and report the results to the MEC.

**If candidates file by Statement of Candidacy:**

**60 days prior to election ( Date \_\_\_\_\_ )**

\_\_\_\_\_ Candidates file statements of candidacy with the MEC no later than 60 days prior to the election.

\_\_\_\_\_ Candidates must file a Statement of Economic Interest form which the MEC must file with the State Ethics Commission within five days after the filing period closes. Candidates failing to file this Statement will not have their names printed on the ballot.

\_\_\_\_\_ The MEC certifies candidates for all races.

\_\_\_\_\_ Candidates must file Campaign Disclosure Forms with the State Ethics Commission no sooner than 20 days or no later than 15 days prior to the election. By law, government employees may not assist candidates in completing or mailing the form. For more information, contact the Ethics Commission at 803.253.4192 or visit [www.state.sc.us/ethics](http://www.state.sc.us/ethics).

According to state law the County Board of Voter Registration handles the application process for absentee ballots as well as the mailing and receipt of absentee ballots. Municipalities are required to provide their County Voter Registration Board with the absentee ballots, envelopes, instructions to absentee voters and necessary postage to enable the registration board to carry out that portion of the election. The MEC should contact the County Voter Registration Board as soon as possible after the date for the municipal election has been set to arrange to supply the Board with all necessary supplies.

## II. Prior to election

### Not later than 60 days (Date \_\_\_\_\_)

\_\_\_\_\_ First public notice of election given by municipal governing body.

The law requires **two** public notices for municipal elections be published in a newspaper of general election in the municipality. The notices must contain the last date to register to vote in the election; the date, time and location the hearing on any ballots challenged in the election will be held; the precincts involved in the election and the location of the polling places in those precincts. If the MEC plans to examine the return-addressed envelopes containing absentee ballots at 2:00 p.m. on election day, this must be published. Additionally, it is recommended the public notices contain all necessary information regarding filing for potential candidates.

\_\_\_\_\_ The second public notice should be given two weeks after the first public notice.

### Approximately 60 days (Date \_\_\_\_\_)

\_\_\_\_\_ Request the County Board of Voter Registration order a voter registration list from the State Election Commission.

\_\_\_\_\_ Have ballots printed.

**NOTE:** You must print ballots equal to 110 percent of the number of registered voters in each precinct.

### Not later than 45 days prior to election (Date \_\_\_\_\_)

\_\_\_\_\_ Print absentee ballots in numbers not to exceed 15 percent of the number of registered voters of the municipality and deliver these ballots to the board of voter registration.

### Approximately 2 weeks (Date \_\_\_\_\_)

\_\_\_\_\_ Appoint managers for each polling place.

**NOTE:** Managers are appointed at a ratio of three managers for the first 500 registered voters in a precinct and one manager for each additional 500 registered voters in the precinct.

## When notified

\_\_\_\_\_ Pick up voter registration lists from the County Board of Voter Registration.

## By the day before election

\_\_\_\_\_ Provide for each polling place:

- A. Voter registration lists and poll lists
- B. Ballots
- C. Ballot boxes
- D. Voting booths (one voting booth for each 250 registered voters in a precinct)
- E. Table for managers
- F. Guard rails
- G. Manager's oath
- H. Identification badges for managers
- I. All necessary forms for reporting the results.
- J. Pencils and pens.

## One day (Date \_\_\_\_\_)

\_\_\_\_\_ Turn over voter registration list and supplies to poll managers.

**NOTE:** The names of all voters issued absentee ballots should be marked with an "ABS" next to the voter's name by the board of voter registration and the MEC before the voter registration lists are given to the managers.

## III. Election day

It is the Municipal Election Commission's responsibility to oversee the conduct of the election. While Commission members need not be at the polls all day, they should check each polling place periodically to ensure the election is progressing in a smooth, orderly manner and is being conducted according to law. One MEC member should be available to the managers at all times in case situations arise in which the managers need guidance.

## Upon closing the polls

\_\_\_\_\_ The MEC must receive the absentee ballot box for its election from the County Board of Voter Registration at 7:00 p.m. The absentee ballot box should be transported to the municipality, providing necessary security, where the absentee votes will be counted. It is the MEC's responsibility to count the absentee ballots and to report the results of that portion of the municipal election.

## Immediately

\_\_\_\_\_ Receive election results from managers.

## **IV. After the election**

### **Not later than three days following the election**

\_\_\_\_\_ MEC conducts hearing on any votes challenged in the election, canvasses votes cast in the election and declares the results of the election.

\_\_\_\_\_ File results of election with the office of city clerk and the office of county clerk.

### **Within 7 days (Date \_\_\_\_\_)**

\_\_\_\_\_ Return voter registration lists and poll lists to the County Board of Voter Registration.

## **V. If the election is protested**

### **Within 48 hours from time polls close**

\_\_\_\_\_ Receive protest of election, in writing, from candidate.

\* Advise city attorney of protest and request legal guidance to MEC in conducting protest hearing.

### **Within 48 hours of filing protest**

\_\_\_\_\_ Set date, time and place for hearing. Give notice of protest and hearing to all parties concerned.

\_\_\_\_\_ Conduct hearing and decide issues raised.

It is important to keep a record of the protest proceedings. The MEC should obtain the services of a court reporter or stenographer to provide this record. In the event the MEC's decision is appealed, the court will need a copy of the protest hearing.

Additionally, the MEC should prepare, with the assistance of the city attorney, a written order concerning its decision in the protested election. This order should be sent to all candidates involved in the protested election

Any candidate aggrieved by the decision has 10 days from the date of the decision to appeal to the Court of Common Pleas.

For further information please contact:

#### **State Election Commission**

PO Box 5987

Columbia, South Carolina 29250

Telephone: 803.734.9060

Fax: 803.734.9366

# Duties of the Municipal Election Commission (MEC)

(Nonpartisan Election/Electronic Voting Machine Users)

## 1. Prior to election

All Municipal Election Commission (MEC) members should familiarize themselves with Title 7, Chapter 13, Article 15, of the 1976 SC Code of Laws, as amended.

Home Rule legislation has been amended to provide two methods of filing by candidates in nonpartisan elections. The municipal governing body must, by ordinance, designate whether candidates will file by petition or statement of candidacy.

**If petitions are used:**

**Not later than 75 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Nomination petitions filed with the MEC.

**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), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.

**NOTE:** Petitions must contain the signatures of not less than 5 percent of the registered voters of the geographical area of the office for which the candidate offers.

\_\_\_\_\_ Each candidate filing a petition must receive a receipt for his petition. The receipt should contain the candidate's name, the office sought, the number of signatures submitted, and the date and time submitted.

\_\_\_\_\_ Candidates must complete a Statement of Economic Interests form which the MEC must file with the State Ethics Commission within five days after the filing period closes. Candidates failing to file this statement shall not have their names printed on the ballot.

\_\_\_\_\_ The municipal clerk turns all petitions over to the MEC who has 15 days to have the County Board of Voter Registration check the petitions and report the results to the MEC.

**If statement of candidacy is used:**

**60 days prior to election (Date \_\_\_\_\_)**

\_\_\_\_\_ Candidates file statement of candidacy with the MEC no later than 60 days prior to the election.

\_\_\_\_\_ Candidates must complete a Statement of Economic Interests form which the MEC must file with the State Ethics Commission within five days after the filing period closes. Candidates failing to file this statement shall not have their names printed on the ballot.

**Not later than 60 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Certify candidates for all races.

\_\_\_\_\_ Provide candidates with a Campaign Disclosure Form, with instructions. The candidate must file the Form with the State Ethics Commission.

\_\_\_\_\_ Municipalities must provide their voter registration board with the absentee ballots, the envelopes, instructions to absentee voters and the necessary postage to enable the registration board to carry out that portion of each municipality's election.

\_\_\_\_\_ MEC must supply the State Election Commission with the names of all candidates so the machine ballot faces can be printed (see Election Information Form on page 45).

\*After the ballot face is printed, you will be asked to check and approve the ballot before it is placed on the machine.

\_\_\_\_\_ Publish first public notice of election given by municipal governing body.

The law requires **two** public notices for municipal elections be published in a newspaper of general circulation in the municipality. The notices must contain the last date to register to vote in the election; the date, time and location the hearing on any ballots challenged in the election will be held; the precincts involved in the election and the location of the polling places in those precincts. If the MEC plans to examine the return-addressed envelopes containing absentee ballots at 2:00 p.m., this must be stated. Additionally, it is recommended the public notices contain all necessary information regarding filing for candidates.

\_\_\_\_\_ The second public notice should be given two weeks after the first notice.

**Approximately 60 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Notify County Board of Voter Registration an election is to be held. Request the Board order voter registration list from State Election Commission. Also discuss absentee portion of election to determine what the city must provide.

\_\_\_\_\_ Contact County Election Commission to arrange for use of voting machines. At this time, the MEC should determine the cost, if any, for use of the machines and services of the voting machine custodians.

\_\_\_\_\_ Notify State Election Commission of election. Be prepared to supply certain information needed to create a database for the election at this time (see Election Information Form on page 45)

**Not later than 45 days prior to election (Date \_\_\_\_\_)**

\_\_\_\_\_ Print absentee ballots in numbers not to exceed 15 percent of the number of registered voters of the municipality and deliver these ballots to the board of voter registration.

**NOTE:** If time permits, the State Election Commission will print a master ballot for emergency and absentee ballots. You may use these master ballots to print your official emergency and absentee ballots.

## **30 days prior to election (Date \_\_\_\_\_)**

\_\_\_\_\_ Last day to register to vote in this election. Section 17-5-220 of the South Carolina Code of Laws.

\_\_\_\_\_ Appoint and instruct one or more voting machine custodians. Section 17-13-1690 of the South Carolina Code of Laws.

\_\_\_\_\_ Print emergency machine ballots equal to 10 percent of the number of registered voters in each precinct. (See sample ballots on page 55 and 56.)

## **Prior to machine preparation**

\_\_\_\_\_ Demonstrate voting machines for instruction. Section 17-13-670 of the South Carolina Code of Laws.

\_\_\_\_\_ The MEC should notify all candidates of the time and place where the machines will be prepared. At such time, candidates have the opportunity to see that the machines are in proper condition.

## **Approximately two weeks prior to election (Date \_\_\_\_\_)**

\_\_\_\_\_ Appoint and instruct managers for each polling place. Section 17-13-1700 of the South Carolina Code of Laws.

**NOTE:** Managers are appointed at a ratio of three managers for the first 500 registered voters in a precinct and one manager for each additional 500 registered voters in the precinct.

\_\_\_\_\_ Arrange for voting machine custodian(s) to prepare and deliver machines to polling places. Sections 17-13-1750 and 17-13-1860 of the South Carolina Code of Laws.

## **When notified**

\_\_\_\_\_ Pick up voter registration lists from the County Board of Voter Registration.

## One day prior to election (Date \_\_\_\_\_)

\_\_\_\_\_ Provide for each polling place:

- A. Voting machines
- B. Voter registration lists and poll lists
- C. Emergency Ballots
- D. Ballot box
- E. Model voting machine or paper facsimilie. Section 17-13-1810 S.C. Code of Laws.
- F. Table for managers
- G. Guard rails
- H. Manager's oath
- I. ID badges for managers
- J. All necessary forms for reporting the results
- K. Pencils and pens

**NOTE:** The County Board of Voter Registration and MEC should mark the names of all voters issued absentee ballots before the voter registration lists are given to the managers.

\_\_\_\_\_ At 9:00 a.m. on the day immediately preceding the election, an absentee balloting log must be made available for public inspection. Section 17-15-350 of the South Carolina Code of Laws.

## II. Election day

It is the responsibility of the Municipal Election Commission to oversee the conduct of the election. While Commission members need not be at the polls all day, they should check each polling place periodically to ensure the election is progressing in a smooth, orderly manner and is being conducted according to law. One MEC member should be available to the managers at all times in case situations arise in which the managers need guidance.

### Upon polls closing at 7:00 p.m.

\_\_\_\_\_ The MEC must receive the absentee ballot box for its election from the County Board of Voter Registration at 7:00 p.m. The absentee ballot box should be transported to the municipality, providing necessary security, where the absentee votes will be counted. It is the MEC's responsibility to count the absentee ballots and report the results.

\_\_\_\_\_ Receive machine cartridges from poll managers and tabulate the results. Section 17-13-1880 of the South Carolina Code of Laws.

\_\_\_\_\_ Announce unofficial results.

## III. After the election

\_\_\_\_\_ At 9:00 a.m. the day after the election, absentee balloting log containing names of emergency hospital patients who were issued absentee ballot forms after the log was printed on the day preceding the election must be made public. Section 17-15-330 of the South Carolina Code of Laws.

## **On Thursday following the election, by 1:00 p.m.**

\_\_\_\_\_ The MEC conducts hearing on any challenged votes, canvasses votes cast and declares the results of the election.

## **Three to four days after the election**

\_\_\_\_\_ File results of election with the offices of the city clerk and the county clerk.

## **Within seven days after election**

\_\_\_\_\_ Return voter registration lists and poll lists to the County Board of Voter Registration.

## **IV. If the election is protested**

### **Within 48 hours from time polls close**

\_\_\_\_\_ Receive protest of election, in writing, from candidate.

\*Advise city attorney and request legal guidance to MEC in conducting protest hearing.

### **Within 48 hours of filing protest**

\_\_\_\_\_ Set date, time and place for hearing. Give notice of protest and hearing to all parties concerned.

\_\_\_\_\_ Conduct hearing and decide issues raised.

It is important to keep a record of the protest proceedings. The MEC should obtain the services of a court reporter or stenographer to provide this record. In the event the MEC's decision is appealed, the court will need a copy of the protest hearing.

Additionally, the MEC should prepare, with the assistance of the city attorney, a written order concerning its decision in the protested election. This order should be sent to all candidates involved in the protested election.

Any candidate aggrieved by the decision has 10 days from the date of the decision to appeal to the Court of Common Pleas.

For further information, please contact:

#### **State Election Commission**

PO Box 5987

Columbia, South Carolina 29250

Telephone: 803.734.9060

Fax: 803.734.9366

# Election Information for Electronic Voting System

City and County \_\_\_\_\_  
Name of Election \_\_\_\_\_  
Date of Election \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Telephone # ( \_\_\_\_\_ ) \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Number of Machines Needed \_\_\_\_\_ Number of Paper Tape Copies \_\_\_\_\_

(Please list candidates in order to be printed on ballot)

Candidates for Office of \_\_\_\_\_  
Seats to Fill \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_  
5. \_\_\_\_\_ 6. \_\_\_\_\_

Candidates for Office of \_\_\_\_\_  
Seats to Fill \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_  
5. \_\_\_\_\_ 6. \_\_\_\_\_

Precincts Involved with Number of Machines in Each or Machine Number

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**NOTE:** If you need more room, please continue on another page.

Return To:

**SC State Election Commission**  
**Electronic Voting Section**  
PO Box 5987  
Columbia, SC 29250  
803.734.9005  
803.734.9366 (fax)

# Sample Ordinance

Chapter \_\_\_\_\_

## **Nonpartisan elections**

Section 1. Election Method

Section 2. Terms of Office

Section 3. Nonpartisan Election Procedure

Section 4. Election Commission

Section 5. Regular Election Date and Notice

Section 6. Filing Statement of Candidacy [Or Petition]

Section 7. Filing Fees

Section 8. Time of Taking Office

# Nonpartisan Elections

## Section 1. Election method

Pursuant to S.C. Code Section 5-15-20 (1976), the mayor shall be elected at large, and councilmembers shall be elected \_\_\_\_\_.\*

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\*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 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, provisions should be added to specify which district seats will be filled for indicated terms.]

### **Section 3. Nonpartisan election procedure**

All regular and special elections for mayor and councilmembers should be conducted and results will be determined in accordance with the nonpartisan [ \* ] method authorized by S.C. Code Section 5-15-[ \* ] (1976).

---

\*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 regular 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 Section 5-15-100 (1976), and applicable provisions of Title 7 of the S.C. Code.

### **Section 5. Regular election date and notice**

Regular 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, the following provision should be added: A run-off election, if necessary, shall be held two weeks following the election.]

In the event of a tie vote for any office, a run-off election shall be held two weeks following the election pursuant to S.C. Code Annotated Section 5-15-125 (1976). Special elections to fill vacancies shall be held pursuant to S.C. Code Annotated Section 7-13-190 (1976). Two public notices of a regular or special election shall be given, which shall include the location of polling places set by resolution of 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. Filing statement of candidacy (or petition)

Each person offering as a candidate for election to any town office shall do so by filing a notice of candidacy with the Election Commission on the date 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.

No political affiliation shall be placed on the ballot for any candidate.

[Optional: People wishing to qualify by petition must file their petition along with their Statement of Economic Interest with the municipal clerk by the 75th day before the scheduled 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), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.

## Section 7. Filing fees

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

The filing fee for council shall be \$ \_\_\_\_\_.

## 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 Election

The Municipal Election Commission of the (name of the municipality) announces the general election for (name of municipality) to be Tuesday, (month and date).

The following offices shall be included in this election:  
Mayor (if it applies) All precincts are involved.

Councilmember from District (district or ward number) for term expiring \_\_\_\_\_.  
The polling places for this district are (enter the names and location of the polling places for the district).

Councilmember from District (district or ward number) for term expiring \_\_\_\_\_.  
The polling places for this district are (enter the names and location of the polling places for the district).

Councilmember from District (district or ward number) for term expiring \_\_\_\_\_.  
The polling places for this district are (enter the names and location of the polling places for the district).

People desiring to vote in the upcoming election must be registered by (enter a date that is 30 days before the election). To register, one must contact the County Board of Voter Registration.

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).

This is a nonpartisan election, and no party affiliation shall be placed on the ballot.

The polls shall open at 7:00 a.m. on election day and close at 7:00 p.m.

At 2:00 p.m. on said 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.

Any run-off will be held two weeks after the election on Tuesday, (date of run off)\_\_\_\_\_.

# PETITION

SAMPLE

STATE OF SOUTH CAROLINA  
COUNTY OF \_\_\_\_\_

STATEMENT OF PURPOSE OF PETITION: \_\_\_\_\_

NO.	SIGNATURE OF VOTER	COMPLETE RESIDENCE ADDRESS OF VOTER	REGISTRATION CERTIFICATE NUMBER OF VOTER	PRECINCT OF VOTER
1	Sign Name _____ Print Name _____	Street _____ City _____		
2	Sign Name _____ Print Name _____	Street _____ City _____		
3	Sign Name _____ Print Name _____	Street _____ City _____		
4	Sign Name _____ Print Name _____	Street _____ City _____		
5	Sign Name _____ Print Name _____	Street _____ City _____		
6	Sign Name _____ Print Name _____	Street _____ City _____		
7	Sign Name _____ Print Name _____	Street _____ City _____		
8	Sign Name _____ Print Name _____	Street _____ City _____		
9	Sign Name _____ Print Name _____	Street _____ City _____		
10	Sign Name _____ Print Name _____	Street _____ City _____		
11	Sign Name _____ Print Name _____	Street _____ City _____		
12	Sign Name _____ Print Name _____	Street _____ City _____		

IMPORTANT: ONLY SIGNATURES OF REGISTERED VOTERS OF THE SAME COUNTY CAN BE PLACED ON THIS PAGE

(Name of municipality)

(Date of general election)

# General Election Receipt for Petition Candidates

Candidate's Name \_\_\_\_\_

The office being sought \_\_\_\_\_

The number of petition pages submitted \_\_\_\_\_

The total number of signatures on the petition \_\_\_\_\_

The date the petition is submitted \_\_\_\_\_

The time the petition is submitted \_\_\_\_\_

Signature of person receiving the petition \_\_\_\_\_

# Statement of Candidacy

## General Election

**(Enter the name of the municipality here)**  
**For (enter date of election)**  
**For Office of Mayor**

I, \_\_\_\_\_, hereby file a Statement of Candidacy to seek the position of Mayor.

I am paying the filing fee of \$ \_\_\_\_\_ at the filing of this statement.

Please print your name the way you wish it to appear on the ballot:

\_\_\_\_\_

My name on the ballot may not imply professional or social status, an office or military rank. This name may be my given name, a derivative of my given name used in good faith for honest purposes or a nickname which bears no relation to my given name but which is used in good faith for honest purposes and does not exceed 15 letters on the ballot. My signature below attests to this.

I have never been convicted of, pled guilty or nolo contendere to a felony or an offense against the S.C. election laws. If so, I have been pardoned under state or federal law or it has been 15 years or more after the completed service of the sentence, including probation and parole time. My signature below attests to this.

I hereby affirm that I meet, or will meet by the time of the general or special election or as otherwise required by law, the qualifications to hold this office.

Candidate's signature \_\_\_\_\_

Address \_\_\_\_\_

Telephone number (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Voter Registration number \_\_\_\_\_

Signature of Receiving Authority \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

# Statement of Candidacy

## General Election

**(Enter the name of the municipality here)**

**For (enter date of election)**

**For Office of Councilmember from (enter district if applicable)**

I, \_\_\_\_\_, hereby file a Statement of Candidacy to seek the position of Councilmember from District (enter district number).

I am paying the filing fee of \$\_\_\_\_\_ at the filing of this Statement.

Please print your name the way you wish it to appear on the ballot:

\_\_\_\_\_

My name on the ballot may not imply professional or social status, an office or military rank. This name may be my given name, a derivative of my given name used in good faith for honest purposes or a nickname which bears no relation to my given name but which is used in good faith for honest purposes and does not exceed 15 letters on the ballot. My signature below attests to this.

I have never been convicted of, pled guilty or nolo contendere to a felony or an offense against the S.C. election laws. If so, I have been pardoned under state or federal law or it has been 15 years or more after the completed service of the sentence, including probation and parole time. My signature below attests to this.

I hereby affirm that I meet, or will meet by the time of the general or special election or as otherwise required by law, the qualifications to hold this office.

Candidate's signature \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone number (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Voter Registration number \_\_\_\_\_

Signature of Receiving Authority \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

# OFFICIAL BALLOT, GENERAL ELECTION

**(Name of municipality)**  
**(Date of election)**  
**(Name of precinct)**

NO. \_\_\_\_\_

\_\_\_\_\_  
Initials of Issuing Officer

# OFFICIAL BALLOT, GENERAL ELECTION

**(Name of municipality)**  
**(Date of election)**  
**(Name of precinct)**

INSTRUCTIONS: Make a cross (X) in the voting square opposite the name of the candidate(s) for whom you wish to vote. If you wish to vote for a candidate whose name is not on the ballot, simply write the name of your candidate in the write-in block opposite the office for which you are voting. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside.

<b>MAYOR</b>	(ONE SEAT TO FILL)	WRITE - IN
(You may vote for one, less than one, but not more than one.)	<input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE	
<b>COUNCIL</b>	(THREE SEATS TO FILL)	WRITE - IN
(You may vote for three, less than three, but not more than three.)	<input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE	

This ballot is for nonpartisan, at-large elections.

# OFFICIAL BALLOT, GENERAL ELECTION

**(Name of municipality)**  
**(Date of election)**  
**(Name of precinct)**

NO. \_\_\_\_\_

\_\_\_\_\_  
Initials of Issuing Officer

# OFFICIAL BALLOT, GENERAL ELECTION

**(Name of municipality)**  
**(Date of election)**  
**(Name of precinct)**

INSTRUCTIONS: Make a cross (X) in the voting square opposite the name of the candidate(s) for whom you wish to vote. If you wish to vote for a candidate whose name is not on the ballot, simply write the name of your candidate in the write-in block opposite the office for which you are voting. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside.

<b>MAYOR</b>	(ONE SEAT TO FILL)	WRITE - IN
(You may vote for one, less than one, but not more than one.)	<input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE	
<b>COUNCIL DISTRICT #4</b>	(ONE SEAT TO FILL)	WRITE - IN
(You may vote for one, less than one, but not more than one.)	<input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE <input type="checkbox"/> NAME OF CANDIDATE	

This ballot is for nonpartisan, single-member district elections.

# Printer's Oath

(Name of municipality)

General Election

(Date of general 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 Printer Company \_\_\_\_\_

Date \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public for South Carolina (SEAL)

My Commission expires: \_\_\_\_\_.

**NOTE:** This oath should be given to the printer and any assistants used in the printing of the ballots.

# Poll Manager's Oath

**(Name of municipality)**

**(Date of the election)**

**(County where the election is held)**

**Precinct (name of the precinct here)**

"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 elected (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."

"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

_____	_____
_____	_____
_____	_____
_____	_____

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chair of Poll Managers

# Oath of Municipal Board of Canvassers for (enter municipality)

“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.”

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---

---

\_\_\_\_\_

Date

# Certification of Candidates Page

**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

*Offset winners by an asterisk \* beside name or highlight name*

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(Date)

# Partisan Elections

## Appendix II

**NOTE:** This section contains several sample items. Municipalities should make sure that documents are correctly worded for the municipality's circumstances prior to use.

# Duties of the Municipal Election Commission (MEC)

## (Partisan Election/Paper Ballots)

### I. Prior to election

5-15-70 of Title 5 of the 1976 South Carolina Code of Laws, as amended, provides the municipal governing body will, by ordinance, set the time for opening and closing of entries for nominations in municipal party primaries or conventions and the time for holding municipal primaries and conventions.

#### Not later than noon, 75 days

\_\_\_\_\_ Petition candidates file with the MEC.

**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), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.

**NOTE:** Petitions must contain the signatures of not less than 5 percent of the registered voters of the geographical area of the office for which the candidates offer.

\_\_\_\_\_ Each candidate filing a petition must receive a receipt. This receipt should contain the candidate's name, the office sought, number of pages submitted, number of signatures submitted and the date and time submitted.

\_\_\_\_\_ The municipal clerk turns all petitions over to the MEC who turns the petitions over to the County Board of Voter Registration. This board has 15 days to verify signatures on the petitions and report the results to the MEC.

#### Not later than 60 days

\_\_\_\_\_ First public notice of election given by municipal governing body.

The law now requires **two** public notices for municipal elections be published in a newspaper of general circulation in the municipality. The notices must contain the last date to register to vote in the election; the date, time and location the hearing on any ballots challenged in the election will be held; the precincts involved in the election and the location of the polling places in those precincts. If the MEC is planning to examine the return-addressed envelopes containing absentee ballots at 2:00 p.m. on election day, this must be published. Additionally, it is recommended the public notices contain all necessary information regarding filing for potential candidates.

\_\_\_\_\_ Second public notice must be given two weeks after the first notice.

\_\_\_\_\_ Request County Board of Voter Registration to order voter registration list from State Election Commission.

\_\_\_\_\_ Political parties certify their candidates to MEC.

\_\_\_\_\_ Petition candidates are certified to MEC.

**NOTE:** Candidates who file by petition must file a Statement of Economic Interests form with the MEC. The MEC must send these statements to the State Ethics Commission within five days after the filing period closes.

\_\_\_\_\_ Candidates nominated by political parties file their Statement of Economic Interests with their political party at the time of filing for office.

\_\_\_\_\_ The MEC should check with the State Ethics Commission prior to printing ballots to ensure all candidates have filed these Statements. Candidates failing to file this statement shall not have their names printed on the ballot.

Also, all candidates must file Campaign Disclosure Forms with the State Ethics Commission no sooner than 20 days or later than 15 days prior to the election. For more information, call the Ethics Commission at 803.253.4192 or visit [www.state.sc.us/ethics](http://www.state.sc.us/ethics).

## **Approximately 60 days prior to election**

\_\_\_\_\_ Have absentee ballots printed and delivered to County Board of Voter Registration.

**NOTE:** You may print absentee ballots in numbers not to exceed 15 percent of the number of registered voters of the municipality.

## **Absentee voting**

State law regarding absentee voting in municipal elections provides that the County Board of Voter Registration handles for the municipalities the application process for absentee ballots and the mailing and receiving of such absentee ballots. Municipalities are required to provide to this board the absentee ballots, the envelopes, instructions to absentee voters and the necessary postage to enable the registration board to carry out that portion of the election.

The MEC should contact the voter registration board in its county as soon as possible after the municipal election date has been set to arrange to supply the board with all necessary supplies. Absentee ballots should be printed immediately after the MEC has certified the candidates for the election. These ballots should be delivered to the County Board of Voter Registration.

## **Approximately two weeks prior to election**

\_\_\_\_\_ Appoint managers for each polling place.

**NOTE:** Managers are appointed at a ratio of three managers for the first 500 registered voters in a precinct and one manager for each additional 500 registered voters in the precinct.

## **When notified**

\_\_\_\_\_ Pick up voter registration lists from the County Board of Voter Registration.

## By the day before election

\_\_\_\_\_ Provide for each polling place:

- A. Voter Registration lists and poll lists
- B. Ballots
- C. Ballot Boxes
- D. Voting booths (one booth for each 250 registered voters in a precinct)
- E. Table for managers
- F. Guard rails
- G. Manager's oath
- H. Identification badges for managers
- I. All necessary forms for reporting the results of the election
- J. Pencils and pens

## One day prior to election

\_\_\_\_\_ Turn over voter registration lists and supplies to managers.

**NOTE:** The County Board of Voter Registration and MEC should mark the names of all voters issued absentee ballots before the voter registration lists are given to the manager.

## II. Election day

It is the responsibility of the MEC to oversee the conduct of the election. Although Commission members need not be at the polls all day, they should check each polling place periodically to ensure that the election is progressing in a smoothly, orderly manner and is being conducted according to law. One member of the MEC should be available to the managers at all times in case situations arise in which the managers need guidance.

## Upon closing the polls

\_\_\_\_\_ The MEC must receive the absentee ballot box for its election from the County Board of Voter Registration at 7:00 p.m. The absentee ballot box should be transported to the municipality, providing necessary security, where the absentee votes will be counted. It is the MEC's responsibility to count the absentee ballots and report the results of that portion of the municipal election.

## Immediately

\_\_\_\_\_ Receive election results from managers.

### **III. After the election**

#### **Thursday following election, before 1:00 p.m.**

\_\_\_\_\_ MEC conducts hearing on any challenged votes, canvasses votes cast and certifies the election results.

#### **Three to four days after election**

\_\_\_\_\_ File election results with offices of the city clerk and county clerk.

#### **Within 7 days**

\_\_\_\_\_ Return voter registration lists and poll lists to the County Board of Voter Registration.

### **IV. If the election is protested**

#### **Within 48 hours from the time polls close**

\_\_\_\_\_ Receive protest of election, in writing, from the candidate.

\* Advise city attorney and request that he provide legal guidance to MEC in conducting protest hearing.

#### **Within 48 hours of filing protest**

\_\_\_\_\_ Set date, time and place for hearing. Give notice of protest and hearing to all parties concerned.

\_\_\_\_\_ Conduct hearing and decide issues raised.

It is important to keep a record of the protest proceedings. The MEC should obtain the services of a court reporter or stenographer to provide this record. In the event the MEC's decision is appealed, the court will need a copy of the protested hearing.

Additionally, the MEC should prepare, with the assistance of the city attorney, a written order concerning its decision in the protested election. This order should be sent to all candidates involved in the protested election.

Any candidate aggrieved by the decision has 10 days from the date of the decision to appeal to the Court of Common Pleas.

For further information please contact:

**South Carolina Election Commission**

PO Box 5987

Columbia, South Carolina 29250

Telephone: 803.734.9060

Fax: 803.734.9366

# Duties of the Municipal Election Commission (MEC)

(Partisan Election/Electronic Voting Machine Users)

## I. Prior to election

All Municipal Election Commission members should familiarize themselves with Title 7, Chapter 13, Article 15, of the S.C. Code of Laws, as amended.

Section 5-15-70 of Title 5 of the 1976 South Carolina Code of Laws provides that the municipal governing body will, by ordinance, set the time for the opening and closing of filing for entry in municipal party primaries and the time for holding municipal primaries and conventions.

**Not later than noon, 75 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Petition candidates, if any, must file their petitions with the MEC.

**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), petition candidates' filing deadline is noon, July 15. This date coincides with the county's filing deadline for petition candidates. Section 7-13-351.**

**NOTE:** Petitions must contain the signatures of at least 5 percent of the registered voters of the geographical area of the office for which the candidate offers.

\_\_\_\_\_ Each candidate filing a petition must receive a receipt. This receipt should contain the name of the candidate, the office sought, the number of pages submitted, the number of signatures submitted, and the date and time submitted.

\_\_\_\_\_ Petition candidates must complete a Statement of Economic Interests form which the MEC must file with the State Ethics Commission within five days after the filing period closes. Candidates failing to file this statement shall not have their names printed on the ballot.

\_\_\_\_\_ Provide petition candidates with a Campaign Disclosure form, with instructions, which the candidate must file with the State Ethics Commission.

\_\_\_\_\_ All petitions must be given to the County Board of Voter Registration to be checked. The registration board has 15 days to check petitions and report results to the MEC.

**Not later than 60 days (Date \_\_\_\_\_)**

\_\_\_\_\_ Publish public notice of election given by municipal governing body.

The law requires **two** public notices for municipal elections be published in a newspaper of general circulation in the municipality. The notice must contain the last date to register to vote in the election; the date, time and location the hearing on any ballots challenged in the election will be held; the precincts involved in the election and the location of the polling places in those precincts. If the MEC is going to examine the return-addressed envelopes containing absentee ballots at 2:00 p.m., this must be published. Additionally, it is recommended the public notices contain all necessary information regarding filing for potential candidates.

\_\_\_\_\_ Second public notice must be given two weeks after the first notice.

\_\_\_\_\_ Notify County Board of Voter Registration that an election is to be held. Request the Board to order the voter registration list from State Election Commission. Also, discuss absentee portion of election to determine what the city must provide.

\_\_\_\_\_ Contact County Election Commission to arrange for use of voting machines. At this time, the MEC should determine the cost, if any, for use of the machines and services of the voting machine custodians.

\_\_\_\_\_ Notify State Election Commission of election. Be prepared to supply certain information needed to create database for the election at this time (see Election Information Form on page 71).

## **60 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ The MEC certifies petition candidates.

\_\_\_\_\_ Political parties certify their nominees, in writing, to MEC.

Candidates nominated by political parties file their Statement of Economic Interests with the political party at the time they file with that party. Also, the party should provide the candidate with a Campaign Disclosure form that the candidate must file with the State Ethics Commission.

\_\_\_\_\_ The MEC should check with the State Ethics Commission prior to printing ballots to ensure that the Statement of Economic Interests forms have been filed by all candidates. Candidates failing to file this Statement will not have their names printed on the ballot.

\_\_\_\_\_ Print emergency ballots equal to 10 percent of the number of registered voters in each precinct.

**NOTE:** If time permits, the State Election Commission will print a master ballot for emergency and absentee voting. These master ballots can be used to print official emergency and absentee ballots.

\_\_\_\_\_ Print absentee ballots in numbers not to exceed 15 percent of the number of registered voters of the municipality. Deliver these ballots to the County Board of Voter Registration.

## **Absentee voting**

State law regarding absentee voting in municipal elections provides the County Board of Voter Registration handle for the municipalities holding elections the application process for absentee ballots as well as the mailing and receiving of such absentee ballots. Municipalities must provide to the county registration board the list of absentee voters and the necessary postage to enable the registration board to carry out that portion of each municipality's election.

The MEC should contact the voter registration board in its county as soon as possible after the date for the municipal election date has been set to arrange to supply the board with all necessary supplies.

\_\_\_\_\_ MEC must supply the State Election Commission with the names of all candidates so that the machine ballot faces can be printed (see Election Information Form on page 71).

**NOTE:** After the ballot face is printed, you will be asked to check and approve it before it is placed on the machine.

### **Approximately 30 days before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Last day to register to vote in this election.

\_\_\_\_\_ Appoint and instruct one or more voting machine custodians.

### **Prior to machine preparation**

\_\_\_\_\_ Demonstrate voting machines for instruction.

\_\_\_\_\_ The MEC should notify all candidates of the time and place where the machines will be prepared. At such time, candidates have the opportunity to see that the machines are in proper condition.

### **Approximately two weeks before election (Date \_\_\_\_\_)**

\_\_\_\_\_ Appoint and instruct managers for each polling place.

**NOTE:** Managers are appointed at a ratio of three managers for the first 500 registered voters in a precinct and one manager for each additional 500 registered voters in the precinct.

\_\_\_\_\_ Arrange for voting machine custodian(s) to prepare and deliver machines to polling places.

### **When notified**

\_\_\_\_\_ Pick up voter registration lists from the County Board of Voter Registration.

### **One day prior to election (Date \_\_\_\_\_)**

\_\_\_\_\_ Provide for each polling place:

- A. Voting machines(one machine for every 350 registered voters per precinct)
- B. Voter registration lists and poll lists
- C. Substitute Ballots
- D. Ballot box
- E. Model voting machine or paper facsimile
- F. Table for managers
- G. Guard rails
- H. Manager's oath
- I. ID badges for managers
- J. All necessary forms for reporting the results
- K. Pencils and pens

**NOTE:** The County Board of Voter Registration and MEC should mark the names of all voters issued absentee ballots before the voter registration lists are given to the managers.

\_\_\_\_\_ At 9:00 a.m. on the day immediately preceding the election, an absentee balloting log must be made available for public inspection.

## **II. Election day**

It is the responsibility of the Municipal Election Commission to oversee the conduct of the election. Although Commission members need not be at the polls all day, they should check each polling place periodically to ensure that the election is progressing in a smooth, orderly manner and is being conducted according to law. One MEC member should be available to the managers at all times in case situations arise in which the managers need guidance.

### **Upon polls closing at 7:00 p.m.**

\_\_\_\_\_ The MEC must receive the absentee ballot box for its election from the County Board of Voter Registration at 7:00 p.m. The absentee ballot box should be transported to the municipality, providing necessary security, where the absentee ballots will be counted. It is the MEC's responsibility to count the absentee ballots and report the results.

\_\_\_\_\_ Receive machine cartridges from poll managers and tabulate the results.

\_\_\_\_\_ Announce unofficial results.

## **III. After the election**

\_\_\_\_\_ At 9:00 a.m. the day after the election, absentee balloting log containing names of emergency hospital patients who were issued absentee ballot forms after the log was printed on the day preceding the election must be made public.

### **On Thursday following the election, by 1:00 p.m.**

\_\_\_\_\_ The MEC conducts hearing on any challenged votes, canvasses votes cast and declares the election results.

### **Three to four days after election**

\_\_\_\_\_ File election results with the offices of the city clerk and the county clerk.

### **Within seven days after election**

\_\_\_\_\_ Return voter registration lists and poll lists to the County Board of Voter Registration.

## **IV. If the election is protested**

### **Within 48 hours from time polls close**

\_\_\_\_\_ Receive protest of election, in writing, from candidate.  
Advise city attorney and request legal guidance to MEC in conducting protest hearing.

### **Within 48 hours of filing protest**

\_\_\_\_\_ Set date, time and place for hearing. Give notice of protest and hearing to all parties concerned.

\_\_\_\_\_ Conduct hearing and decide issues raised.

It is important to keep a record of the protest proceeding. The MEC should obtain a court reporter or stenographer to provide this record. In the event the MEC's decision is appealed, the court will need a copy of the protest hearing.

Additionally, the MEC should prepare, with the assistance of the city attorney, a written order concerning its decision in the protested election. This order should be sent to all candidates involved in the protested election.

Any candidate aggrieved by the decision has 10 days from the date of the decision to appeal to the Court of Common Pleas.

For further information, please contact:

**State Election Commission**  
PO Box 5987  
Columbia, South Carolina 29250  
Telephone: 803.734.9060

# Election Information for Electronic Voting System

City and County \_\_\_\_\_  
Name of Election \_\_\_\_\_  
Date of Election \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Telephone # ( \_\_\_\_\_ ) \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Number of Machines Needed \_\_\_\_\_ Number of Paper Tape Copies \_\_\_\_\_

(Please list candidates in order to be printed on ballot)

Candidates for Office of \_\_\_\_\_  
Seats to Fill \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_  
5. \_\_\_\_\_ 6. \_\_\_\_\_

Candidates for Office of \_\_\_\_\_  
Seats to Fill \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_  
5. \_\_\_\_\_ 6. \_\_\_\_\_

Precincts Involved with Number of Machines in Each or Machine Number

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**NOTE:** If you need more room, please continue on another page.

Return To:

**SC State Election Commission**  
**Electronic Voting Section**  
PO Box 5987  
Columbia, SC 29250  
803.734.9005  
803.734.9366 (fax)

# Sample Ordinance

Chapter \_\_\_\_\_

## Partisan elections

- Section 1. Election Method
- Section 2. Terms of Office
- Section 3. Nominations for Office
  - a. Nominations by Political Party
  - b. Nominations by Petition
- Section 4. Election Commission
- Section 5. Regular Election Date and Notice
- Section 6. Method of Determining Results of Election
- Section 7. Filing Fees
- Section 8. Time of Taking Office

# Partisan Elections

## Section 1. Election method

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

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\*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 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.

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All regular and special elections for the office of mayor and council must be held pursuant to Section 5-15-70 of the Code of Laws of South Carolina (1976). 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, provisions should be added to specify which district seats will be filled for indicated terms.)

## Section 3. Nominations for Office

### Part a) Nominations by political party

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

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1. Opening date for political primaries shall be at noon on (enter opening date for party filing).
  2. Closing date for political primaries shall be at noon on (enter the closing date for party filing).
  3. Political party primaries for nominating candidates shall be held at the regular polling places and conducted by the respective political party on (enter date for primary election).
  4. Primary run-off, if necessary, shall be held on (enter date for primary run-off).
  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 MEC no later than (enter date that is no later than noon 30 days before the general election).
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### Part 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 by the 75th day before the scheduled election.

## Section 4. Election Commission

All regular 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 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 the amended 1976 S.C. Code Section 5-15-100, and applicable provisions of Title 7 of the S.C. Code.

## Section 5. Election date and notice

Regular 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 run-off election shall be held two weeks following the election pursuant to S.C. Code Annotated Section 5-15-125 (1976). Special elections to fill vacancies shall be held pursuant to S.C. Code Annotated Section 7-13-190 (1976). Two public notices of a regular or special election shall be given which shall include the location of polling places set by resolution of 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: \*

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\*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 the council shall be \$\_\_\_\_\_.

## **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

## Public Notice

**(Enter the name of the municipality here.)**

## General Election

The Municipal Election Commission of the (enter the name of municipality) announces the general election for (enter the name of municipality) to be Tuesday, (enter the month and date here).

The following offices shall be included in this election:

Mayor (if it applies). All precincts are involved.

Councilperson from District (enter the district or ward number) for term expiring \_\_\_\_\_. The polling places for this district are (enter the names and location of the polling places for the district).

Councilperson from District (enter the district or ward number) for term expiring \_\_\_\_\_. The polling places for this district are (enter the names and location of the polling places for the district).

Councilperson from District (enter the district or ward number) for term expiring \_\_\_\_\_. The polling places for this district are (enter the names and location of the polling places for the district).

Councilperson from District (enter the district or ward number) for term expiring \_\_\_\_\_. The polling places for this district are (enter the names and location of the polling places for the district).

People desiring to vote in the upcoming election must be registered by (enter a date that is 30 days before the election). To register, one must contact the County Board of Voter Registration.

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 books will be open for filing at (enter date and time) and remain open during regular business hours until (enter closing date and time).

Political party primaries will be held on (enter the date here) at the regular polling places.

Primary run-off, if necessary, will be held on (enter the date here).

Political party conventions for nominating candidates shall be held on (enter date here).

Citizens wishing to qualify by petition must file the appropriate petition by (enter a date that is 75 days before the election here) with the municipal clerk.

The polls shall open at 7:00 a.m. on election day and close at 7:00 p.m.

At 2:00 p.m. on election day, the poll managers will begin examining of 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.

Any run-off will be held two weeks after the election on Tuesday, (date of run-off) \_\_\_\_\_.

# OFFICIAL BALLOT, GENERAL ELECTION

(Name of municipality)  
 (Date of election)  
 (Name of precinct)

NO. \_\_\_\_\_

\_\_\_\_\_  
 Initials of Issuing Officer

# OFFICIAL BALLOT, GENERAL ELECTION

(Name of municipality)  
 (Date of election)  
 (Name of precinct)

INSTRUCTIONS: To vote a straight party ticket, make a cross (X) in the circle (O) under the name of the party. Nothing further need or should be done. To vote for candidates of different parties and/or petition candidates, omit making a cross (X) in the circle. Instead, make a cross (X) in the square next to the name of the candidate(s) for whom you wish to vote. If you wish to vote for a candidate whose name is not on the ballot, simply write the name of your candidate in the write-in block opposite the office for which you are voting. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside.

OFFICE	PARTY A O	PARTY B O	PETITION	WRITE-IN
<p style="text-align: center;"><b>MAYOR</b></p> <p>(You may vote for one, less than one, but not more than one.)</p>	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	
<p style="text-align: center;"><b>COUNCIL</b></p> <p>(You may vote for two, less than two, but not more than two.)</p>	<input type="checkbox"/> NAME <input type="checkbox"/> NAME	<input type="checkbox"/> NAME <input type="checkbox"/> NAME	<input type="checkbox"/> NAME <input type="checkbox"/> NAME	

Use this ballot for partisan, at-large elections.

# OFFICIAL BALLOT, GENERAL ELECTION

(Name of municipality)  
 (Date of election)  
 (Name of precinct)

NO. \_\_\_\_\_

\_\_\_\_\_  
 Initials of Issuing Officer

# OFFICIAL BALLOT, GENERAL ELECTION

(Name of municipality)  
 (Date of election)  
 (Name of precinct)

INSTRUCTIONS: To vote a straight party ticket, make a cross (X) in the circle (O) under the name of the party. Nothing further need or should be done. To vote for candidates of different parties and/or petition candidates, omit making a cross (X) in the circle. Instead, make a cross (X) in the square next to the name of the candidate(s) for whom you wish to vote. If you wish to vote for a candidate whose name is not on the ballot, simply write the name of your candidate in the write-in block opposite the office for which you are voting. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside.

OFFICE	PARTY A O	PARTY B O	PETITION	WRITE-IN
<p style="text-align: center;"><b>MAYOR</b></p> <p>(You may vote for one, less than one, but not more than one.)</p>	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	
<p style="text-align: center;"><b>COUNCIL DISTRICT #3</b></p> <p>(You may vote for one, less than one, but not more than one.)</p>	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	<input type="checkbox"/> NAME	

Use this ballot for partisan, single-member district elections.

# Oath of Municipal Board of Canvassers for (enter municipality)

“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.”

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\_\_\_\_\_

Date

# Certification of Candidates Page

**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

*Offset winners by an asterisk \* beside name or highlight name*

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(Date)

# Voting Rights Act

## Procedures for Section 5 Submission

### Municipal Election Checklist

**Mail by United States Postal Service:**

Chief, Voting Section  
Civil Rights Division, Room 7254 - NWB  
Department of Justice  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

**Mail by overnight express services:**

Chief, Voting Section  
Civil Rights Division, Room 7254 - NWB  
Department of Justice  
1800 G St., N.W.  
Washington, DC 20006

**Mark envelope and letter:** Submission Under Section 5 of the Voting Rights Act

**Contents of submission:** {See 52 CFR Section 51.26, Section 51.27 and Section 51.28.}

**For more information:** Call (800) 253.3931 or (202) 307.2767

### Section 51.26 - General:

- a) Identify source of information.
- b) Identify source and basis for estimates.
- c) Present only appropriate information and material.
- d) Describe the change with particularity.
- e) Information in earlier submission may be incorporated by specific reference.
- f) State unavailability of requested information.

### Section 51.27 - Required Contents:

- a) Copy of adopted ordinance embodying a change affecting voting.
- b) Copy of prior ordinance repealed and amended.
- c) A clear statement of the change and prior law or practice.
- d) Name, title, address and telephone number of person making submission.
- e) Name of submitting municipality responsible for change.
- f) Name of state and county where municipality is located.
- g) Identify body making change and how change was made (referendum, ordinance, state law, court order, etc.)
- h) Statutory authority for change and procedure municipality was required to follow in deciding to make the change.
- i) Date of adoption of ordinance making change.
- j) Effective date of change.
- k) Statement that change has not been enforced.
- l) Explanation of scope of change in voting rights.
- m) Statement of reasons for the change.
- n) Statement of anticipated effect of change on minorities.
- o) Past or pending litigation concerning the change or related voting practices.
- p) Statement that prior practice was precleared (with the date) or is not subject to preclearance.
- q) Items listed in Section 51.28, subsections a1 and b1.

## Section 51.28 - Supplemental Contents:

- a) *Demographic Information.*
  - 1) Total and voting age population of affected area before and after change by race. Reference to census publications may be sufficient.
  - 2) Number of registered voters for affected area by precinct before and after change by race.
  - 3) Any estimates made of population by race.
- b) *Maps.*

Maps in **duplicate** containing the following information:

  - 1) Prior and new boundaries of voting units
  - 2) Prior and new boundaries of voting precincts
  - 3) Location of minority groups
  - 4) Natural or geographic features that influenced prior or new unity boundaries
  - 5) Location of prior and new polling places
  - 6) Location of prior and new voter registration sites
- c) *Annexations.* {Applicable to annexation submissions only.}
- d) *Election Returns.*

Where a change may affect minority electoral influence, returns of primary or general elections as follows:

  - 1) Name of each candidate
  - 2) Race of each candidate
  - 3) Position sought by each candidate
  - 4) Votes by precinct for each candidate
  - 5) Outcome of each election
  - 6) Number of registered voters by race for each precinct for each election within last 10 years
- e) *Language Usage.* {Usually not applicable in this state.}
- f) *Publicity and Participation.*

For controversial changes, evidence of public notice, opportunity for public to be heard and participate in decision, and an account of extent to which such participation by minority group took place, materials should include:

  - 1) Copies of newspaper articles discussing change
  - 2) Copies of public notices and statement of places notices appeared
  - 3) Minutes of public hearings on proposed change
  - 4) Statements, speeches and public communications concerning the proposed change
  - 5) Copies of comments from the general public
  - 6) Excerpts from legislative journals or materials revealing legislative purpose
- g) *Availability of the Submission.*

Copies and locations of notices announcing submission, availability for inspection and invitation for comments.
- h) *Minority Group Contacts.*

Names, addresses, telephone numbers, and organizational affiliation of racial minority group members familiar with the change or active in the political process.