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Municipal Elections 101

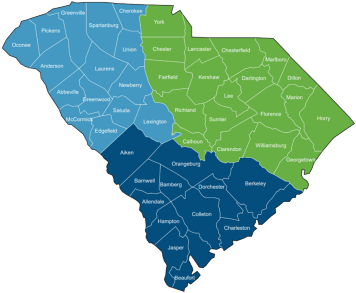
**Municipal Clerks and Treasurers Institute
Year 2, Session A
September 14, 2023**

Charlie Barrineau, Field Services Manager
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Municipal Association of South Carolina





Field Services Managers



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Civility Campaign

Pillars of Civility

**Civility.
Respect.
Solutions.**

MASC Municipal Association of South Carolina

Be as eager to listen as to speak.	Concentrate on what you have in common, not what separates you.	Act as you would expect someone to act in your home.
Make your case on merits, not on what people want to hear.	Your time is valuable. So is everyone else's. Respect it.	Ask questions to learn. Answer questions with respect.
Concentrate on facts, not theories.	Ask "what will persuade people in this room?" not "what will make a great tweet?"	Make your point about the issue, not the person.



Bringing Civility to Verbal Conflict Training

Thu, Oct 19 2023, All day (Deadline Thu, Oct 12)

Columbia Metropolitan Convention Center

A joint training with the **South Carolina School Board Association**

\$100 each

**Speaker - Chief Harry P. Dolan (Retired),
CEO, Dolan Consulting Group**





Election Administration at the State Level



State Election Commission (SEC)

- Independent state agency
- Five commissioners, at least one from each major political party, serve for four years
- Meet monthly
- Executive Director hired by commissioners upon advice and consent of the State Senate



State Election Commission (SEC)

- State Board of Canvassers
 - Certifies election results
 - Hears protests and appeals
- State Board of Voting Machine Commissioners
 - Certifies voting systems for use in state

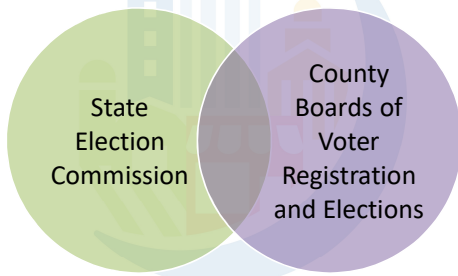


SEC Responsibilities

- Maintain statewide database of all registered voters (used for VR lists and jury rolls)
- Mandates and supports use of statewide voting system (cities and counties must use the system)
- Conduct Training and Certification Program (Over 25 classes per year around the state)
- Supervises county boards to ensure compliance with state and federal law
- Conduct a county compliance and post-election audit program




Responsibilities for Elections



County Election Boards


46 County Boards of Voter Registration and Elections

- Register voters
- Conduct candidate filing
- Prepare ballots
- Conduct absentee voting
- Determine polling places
- Hire & Train poll managers



How Elections Work in S.C.

- Voter Registration
- Precincts & Polling Places
- Candidates
- Ballots
- Voting
- Results
- Protests



Voter Registration


- At least 18 years old
- Citizen of the United States
- Resident of SC & the county in which the voter wishes to register
- Not confined in any public prison
- Not under a court order declaring mental incompetence
- Not serving sentence (including parole and/or probation) for a felony conviction



Voter Registration

Complete voter registration application

- Online at scVOTES.gov
- By mail, email, and fax
- In person
 - County Elections Office
 - Department of Motor Vehicles
 - Public Assistance agencies
 - Voter outreach events



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Register Online



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Voter Registration

- 3.3 million registered voters in SC
- Voter registration is closed for 30 days prior to every election
- The SEC produces voter registration lists that contain the names of every voter eligible to vote in the election



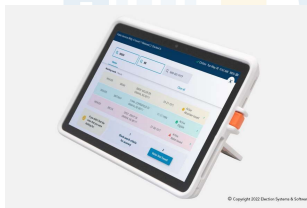
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Voter Registration Lists

- Electronic Pollbooks (EPBs)
 - New standard
 - Voter records in database on each EPB
 - Faster and ensures voters receive the correct ballot style
 - Additional Functionalities
- Paper Voter Registration List
 - Old standard, paper
 - Still used as a back up to EPBs



Electronic Poll Book



Paper Voter Registration List



Voter Participation Lists & Stats

- VR lists are used to give voters credit for voting in an election within the statewide voter registration system
- Allows for production of demographic statistics on voter participation
- Allows for production of lists of voters who participated in a certain election



Precincts & Polling Places

- Each county is split into precincts
- Precinct is a geographical area determined by the General Assembly
- Each precinct has approx. 1,300 voters
- Each precinct has a polling place where voters cast their vote on Election Day
- Local election commissions determine polling places



Candidates

- Partisan candidates file in March of election year with SEC or county board
- Parties nominate candidates by primary or convention
- Independent candidates may file by petition
- Nonpartisan candidate filing by Aug. 15
- All candidates certified by Aug. 15



Ballots

- SEC builds voting system databases and sends to county
- County prints ballots, prepares machines
- Paper ballots ready by late September
- Machines for polls ready around one week prior to voting period.



Types of Ballots

- Paper ballot cards are used for voting in person.
 - Voters make selections on a ballot-marking device (BMD), which are then printed on the paper ballot card. The voter then casts the ballot by inserting it into the scanner.
- Hand-marked paper ballots are used for absentee voting.
 - Voters mark selections by hand on a paper ballot and returns the ballot to be cast.




What is a ballot marking device?

- A ballot marking device is a voting machine that allows voters to make ballot selections using a touchscreen
- The ballot marking device prevents the voter from over voting and prompts them if an office is left blank
- The voter then prints the ballot, reviews it, and places it in the scanner for tabulation
- A ballot marking device does not tabulate



Benefits of Paper Voting System

- Familiar process for voters
- Paper
 - Secure
 - Auditability
- Accessible for all voters
 - Headsets
 - Sip and puff
 - High contrast
 - Enlarged text
 - Braille embossed paddle controller
 - Computer generated voice



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ExpressVote Ballot Marking Device (BMD)







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DS200 Scanner



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Voting Process

- 1  **Insert Your Blank Ballot**
- 2  = **Make Your Selections**
- 3  **Review & Print Your Ballot**
- 4  **Review & Cast Your Ballot**

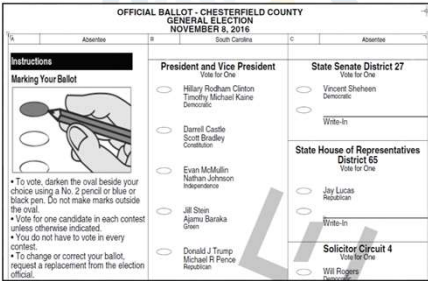



Post Election Audits

- Risk-Limiting Audits
 - An audit that provides strong statistical evidence the election outcome is correct
- Independent Third-Party Verification
 - Uses ballot images to determine vote totals
- More information, as well as copies of audits for statewide elections, can be found at scVOTES.gov: <https://scvotes.gov/elections-statistics/election-audits/>




Optical Scan Paper Ballots



Absentee Voting

- Absentee vs. Early Voting
- By Mail Only
- 8 Reasons
 - See updated absentee rules: <https://scvotes.gov/voters/absentee-voting/>
- Process:
 1. Request Application
 2. Complete & Return Application
 3. Vote & Return Ballot



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Absentee Voting



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Early Voting

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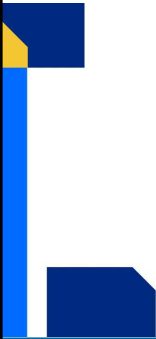
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Voting on Election Day



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Voting on Election Day



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Voting on Election Day

- Voters must vote at polling place in their precinct
- Polling places are staffed by poll managers
- Voter must show Photo ID to vote
- Poll manager verifies voter's eligibility
- Voter signs poll list
- Poll manager provides voter with ballot

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Provisional Ballot

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Accessibility

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Photo ID

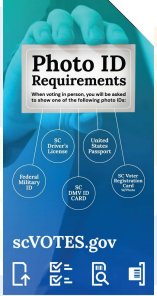


Photo ID Requirements
When voting in person, you will be asked to show one of the following photo IDs:

- SC Driver License
- United States Passport
- SC State Employment Card
- SC State ID CARD
- Federal Military ID

[scVOTES.gov](https://scvotes.gov)

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Photo ID

- Have Photo ID = Ready to vote
- Forget to bring Photo ID = Vote on Election Day but Photo ID must be shown to county election office prior to election certification for vote to count.
- If you can't get a Photo ID, be sure to bring your non-photo voter registration card
 - Every voter is sent this card.
 - This card will allow you to sign an affidavit attesting to your identity and that you encountered an obstacle to obtaining a Photo ID



Election Results – Step 1

- Results are tallied on the precinct level and posted at the polling place

STATE SENATE DIST 48 SENO048		
(Vote for 1)	Total:	188
REP-10 CATHERINE CEJPS		150
LIB-20 GREG GRAZIANI		6
DEM-30 TERRY THOMAS		12
Write-Ins in above contest:		0
UnderVotes For Above contest:		0
Time/Date: 10:04:27 PM/10/2007		
Signature:	<i>Catherine Cejps</i>	
Signature:	<i>Greg Graziani</i>	
Signature:	<i>Terry Thomas</i>	



Election Results – Step 2

- Managers deliver electronic media from polling places to county board



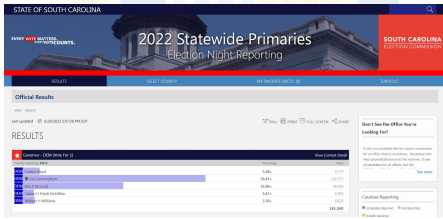
Election Results – Step 3

- County board tallies all votes (electronic & paper), transmits results to the SEC



Election Results – Step 4

- SEC tallies results from each county and posts to scVOTES.org



Election Results – Step 5

- Counties are required to conduct hand-count and results-verification audits for any federal or state-level election
- Counties hold provisional ballot hearings
- Counties certify election results
- SEC certifies election results



Protests

- Candidates who believe the results are not accurate or the election was not conducted properly may protest the results of the election.
- Election commission board members sit in a judicial capacity to hear and decide the outcomes of these protests.
- Protests may be appealed to the highest court in the state (S.C. Supreme Court).



Voter Registration and Outreach

Goals:

- Ensuring the public understands how to register and vote
- Ensuring the public has trust and confidence in the election process



Online Voter Registration

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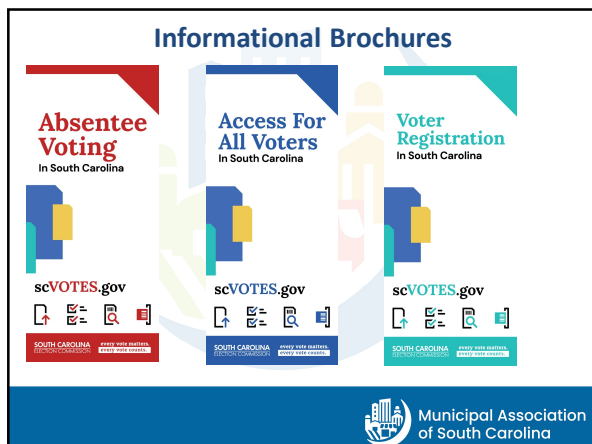
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Posters

The 'Photo ID Requirements' poster features a hand holding a photo ID card and lists acceptable forms of identification: Driver License, Valid State Photo ID, and Voter Registration Card. It also includes the website seVOTES.gov and the South Carolina Election Commission logo.

The 'SC Voter Information' poster provides details about the 2023 Primary Election, including dates, times, and locations. It also includes information about voter registration, absentee voting, and the importance of every vote.

Photo ID Requirements
What you'll need to bring, and what is used to verify you at the voting place (ID)

- Driver License
- Valid State Photo ID
- Voter Registration Card

seVOTES.gov

SC Voter Information
All Polls Open 7 AM - 7 PM
October 17, 2023

South Carolina Election Commission
every vote matters.

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Voter Education Bus

The image shows a white van with blue and yellow accents. The side of the van features the text 'SOUTH CAROLINA ELECTION COMMISSION' and 'every vote matters.' along with the seVOTES.gov website. The South Carolina Election Commission logo is also visible.

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every vote matters.
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Voter Education and Outreach

The photograph shows an outdoor voter education booth. A large screen displays the South Carolina Election Commission logo. A person is standing near the booth, and another person is operating a camera on a tripod. The background features a large, classical-style government building with a dome.

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Municipal Elections



Municipal Elections


- State law provides that each municipality shall provide for the election of its council by ordinance (Title 5, Chapter 15)
- Elections shall be conducted pursuant to Title 7 (the general election law) except as otherwise provided.



Elections Ordinance

The framework must comply with state law and provides specific details:

- number of councilmembers,
- method of representation,
- terms of office,
- staggering,
- method of nomination and determining results,
- election date and term commencement date,
- method of filing, and
- filing period and fees.



Number of Council Members

Mayor-Council FOG:


- 138 cities and towns use this form; a mayor and no less than four councilmembers.

Council FOG:

- 100 cities and towns use this form; five, seven, or nine councilmembers including the mayor.

Council-Manager FOG:

- 33 cities and towns use this form; has the mayor and four, six, or eight councilmembers.




Number of Council Members

By the Numbers:


159	5 Members
1	6 Members
100	7 Members
9	9 Members
1	11 Members
1	13 Members

- Charleston has largest (13 members); Johnston has even number (6 members)



Method of Representation

- Provided for by ordinance and may be changed only by referendum:
 - members elected at-large,
 - single-member wards,
 - some elected from wards and remainder at-large,
 - required to be residents of particular wards but elected at-large, or
 - some members required to be residents of particular wards, others not, all elected at-large.
- Mayor is always elected at-large.**



Method of Representation

By the Numbers:

- 200 At-Large
- 46 Single-Member Wards
- 16 Combination
- 9 Ward Residency / At-Large Voting



Changing Number & Method of Election

- Election required to change the number of council members and/or method of election.
- May be initiated by ordinance or by petition signed by 15% of qualified electors.
- Only one question may be framed by the municipal governing body for the referendum.
- Must be held within 30 to 90 days after certification of petition by MEC.
- Referendum may not held again for two years.



Municipal Ward Lines

- Established by ordinance and may be altered by ordinance
- Why redistrict?
- 14th Amendment Equal Protection Clause
- Malapportionment
- One Person, One Vote
- 2020 Census



Terms of Office & Staggering

- Mayor and council may serve a term of either two years or four years.
- Two-year terms may not be staggered.
- Four-year terms must be staggered unless otherwise provided by ordinance.
- Terms established by ordinance and may be altered by council by ordinance.
- Consider ethics questions for extending a term.



Method of Nomination

- Municipal elections may be partisan or nonpartisan.
- Established and changed by ordinance.
- Currently, there are 6 cities which hold partisan elections: Aiken, Florence, Georgetown, Greenville, New Ellenton, and North Augusta.



Method of Nomination And Determining Results


- Nonpartisan elections:
 - 1) plurality,
 - 2) majority and runoff, or
 - 3) primary and general election.
- Partisan elections:
 - 1) party primary,
 - 2) party convention, or
 - 3) petition.



Method of Nomination And Determining Results


By the Numbers:

135	NP Plurality
130	NP Majority Run-Off
0	NP Primary and Election
6	Partisan




Determining Majority / Runoffs

- Many cities and towns require a majority and runoff.
- **One seat to fill** - Candidate has a majority if votes for candidate are greater than:
 $(\text{Votes Cast for Office}) \div 2$
- If dividend is fraction, don't round up or down.
- If no candidate has majority, runoff between two remaining candidates with most votes.
- No write-ins in runoffs.



Determining Majority / Runoffs

- **Multiple Seats to Fill** - Candidate has a majority if votes for candidate are greater than:
 $(\text{Votes Cast}) \div (\text{Seats to Fill}) \div 2$
- Ex: 5 candidates for 3 seats on town council
 - Candidate A – 60 votes
 - Candidate B – 55 votes
 - Candidate C – 45 votes
 - Candidate D – 30 votes
 - Candidate E – 20 votes



Determining Majority / Runoffs

- Divide total votes cast (210) by seats to fill (3)
 $210 \div 3 = 70$
- Then divide by 2
 $70 \div 2 = 35$
- Any number in excess of 35 is majority
- A, B, C all have majorities and win 3 seats



Determining Majority / Runoffs

- If not enough candidates receive a majority vote, then a runoff is held.
- The number of candidates in the runoff is one more than the number of seats which remain to be filled.
- Those with a plurality win the runoff election. A majority is not required.



Non-Partisan Primary and General

- Primary election held to reduce field to two candidates for each office to be filled.
- If there are only one or two candidates for a single office when filing closes, no primary is held.
- In primary for a single office, two candidates receiving highest votes are nominated.
- In primary for more than two positions to fill, candidates receiving the highest number of votes equal to twice the number of positions to fill are nominated.
- Nominees then square off in election (plurality).



Municipal Election Dates

- State law requires that each municipality provide for the election of its council by ordinance.
- Elections must be conducted in accordance with state law using the SEC’s voting system.
- Municipalities set and may change the date of their general elections by ordinance.



Municipal Election Dates

- Specific dates for municipal elections are not currently required – but see H3734, setting mandatory dates (third Tuesday in March, first Tuesday in July, or first Tuesday after first Monday in November of odd years).
- It is recommended that municipalities by ordinance specify the date that the terms of newly elected mayors and council members begin and when the oath of office is to be administered.



Municipal Election Dates

- 163 (60%) of municipal elections currently held in November of odd years
- 32 (12%) held in conjunction with the statewide general election
- 22 (8%) held in April of even years
- 13 (5%) held in April of odd years
- Remaining 41 municipal elections held during 17 of the other 20 months



Changing Election Date

- Trend is that more and more municipalities are moving their elections to November of odd years.
- SEC and many county boards support.
- Moving the date of the election requires:
 - adopt an ordinance changing the date,
 - shorten or lengthen the terms of office of the current mayor and council members, and
 - notify the SEC, CEC, and MEC (if necessary).



Benefits of Uniform Election Date

- Disclaimer: Selecting a general election date is a local decision that council makes and there are many factors to consider when selecting a date.
- However, there are potential and demonstrated benefits resulting from the current movement to November odd-year elections.



Benefits of Uniform Election Date

- Greater voter awareness of the date of their municipal election.
- More media coverage of municipal elections as the date becomes a statewide election day.
- Potential for high voter turnout.
- Improved voter education on the process, issues, and candidates.



Benefits of Uniform Election Date

- Calendar mirrors general election calendar which simplifies administration.
- Simplifies required training of local election officials.
- Cost savings from combining legal notices.



Method of Candidate Filing

- Council must determine method of filing by ordinance, either statement of intention of candidacy (SIC) or petition.
- Council must set filing fee and filing period by ordinance (fee necessitates public hearing).
- Must determine location of filing; most file with clerk.



Candidate Filing

Deadlines:

- SIC: No candidate may file later than 60 days prior to general election.
 - Municipality can set earlier deadline or filing period by ordinance.
- Petitions due not less 75 days prior to general election.
- Special Election deadlines are 45 days (SIC), 60 days (petition).



Candidate Filing

- Clerk no longer required to collect Statement of Economic Interests (SEI) or confirm filing of SEI.
- Clerk should remind candidates of requirement to file online with State Ethics Commission.
- <http://ethics.sc.gov>



Candidate Qualifications

- MEC determines whether qualified.
- Candidate must be qualified on election day.
- Must reside in municipality for 30 days.
- Must be registered voter.
- Must be age 18 or older.
- Felony conviction or specific offenses against elections laws disqualify individual unless 15 years since completion of sentence or pardoned.



Cancellation of Municipal Elections

- State law used to allow a municipality to cancel a general or special election if only one candidate filed for each office, under SC Code § 7-13-190(E).
- However that is no longer the case as of January 1, 2018.
- Municipal elections are **ALWAYS** required.
- This has created a few challenges recently, particularly with municipalities that run their own elections but rarely had candidate opposition.






Municipal Election Commissions



Municipal Election Commissions

- S.C. Code 5-15-90.
- Three members, must be electors.
- Appointed by council to six year staggered terms, one member up every two years.
- Political activity not allowed for a “campaign over whose election the member has jurisdiction,” SC Code § 7-13-75.
 - Cannot participate in campaign.
 - Cannot contribute money or attend fundraiser.



Training & Certification

- MEC and “staff” must complete certification program within 18 months of initial appointment or reappointment after break in service.
- 3 classes required; all are available online:
 - Duties of MEC
 - Poll manager training
 - Protest hearings



Training & Certification

- Clerk sends request for usernames / passwords to: elections@elections.sc.gov
- MEC Resources at scVOTES.org, under “Resources” in top menu.
 - Link to MEC Handbook.
 - Training and certification requirements.
- Additional resources under “Poll Managers” in the top menu.



Duties of the MEC

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



Transfer of Election Authority

- S.C. Code 7-15-145.
- City & County Councils pass ordinance transferring and accepting authority.
- Ordinances identify duties transferred.
- May be none, some, or all.
- If total responsibility is transferred, MEC is abolished.
- County Board plays role of MEC.



Thoughts on Transferring Elections

- This is a bigger issue now because a municipal elections must always be held, even when uncontested.
- Additionally, all local elections must utilize the state's approved voting system, including municipal elections. No more paper ballots.



Thoughts on Transferring Elections

- Administering elections is complex and there are many applicable legal requirements.
- Municipal elections are typically held only once every two years – limited opportunities to “master your craft.”
- It can be difficult to find volunteers to serve on a MEC and to work the polls.



Thoughts on Transferring Elections

- Training requirements for election commissioners and poll managers are significant.
- Liability and negative public relations resulting from a poorly managed election are significant.
- Administering elections is a core competency of county election offices.



Thoughts on Transferring Elections

- Some counties decline responsibility for municipal elections.
- Moving the date of municipal elections is often a condition.
- Compare in-house cost to county administration.
- What if the county gives them back? Know and maintain your agreement.
- See H3734: "County boards of voter registration and elections shall conduct municipal elections for municipalities that elect to transfer authority for conducting municipal elections pursuant to the provisions of this section."



Administration of Municipal Elections

By the Numbers:

84	MEC Conducts
187	CEC Conducts
129	MEC Certifies
142	CEC Certifies




Questions From the Field


- What if you fail to hold election?
- How do you certify election results if you have no MEC and haven't transferred that duty to CEC?
- What is "residency"? Can a non-resident file for election and/or hold office?
- Can you challenge a voter's or candidate's residency and to whom?
- Can I run for a council seat and for mayor in the same election?
- What if the check bounces?




Questions From the Field

- Can you combine precincts for a municipal election?
- Can you withdraw and, if so, what happens if the ballot has already been finalized?
- What happens if no one runs and there are no write-ins or write-ins won't accept office?
- What if write-in receives more votes than a candidate but chooses not to accept office?
- Can I (or the municipality) promote a ballot measure?






Special Elections and Referenda



Definitions

- **Electors:** Someone who meets the required qualifications and can vote in an election.
- **Election:** The act or process of choosing someone for a public office by voting.
- **Freeholder:** Any person over 18, and any firm or corporation, who owns a 1/10th interest or greater in real estate and whose name appears on the county tax records as an owner.
- **Referendum:** Public vote for or against a proposal that deals with a specific issue.



Filling A Vacancy In Office

- No special election if vacancy occurs within 180 days of general election.
- If a vacancy occurs in more than one office in the same county requiring special elections be held within 28 days of one another, then the elections must be conducted on the same date using the latest of the election dates.
- If partisan special election date is within 60 days of general election date, then it must be held on date of general election.



Non-partisan Special Elections

- Vacancy as a result of death, resignation, or removal.
- Filing opens on the 3rd Friday after the vacancy and closes 10 days later.
- Special election would be held on the 13th Tuesday after the vacancy occurs.
- Run-off would be held on the 15th Tuesday, if necessary.



Partisan Special Elections

- Vacancy as a result of death, resignation, or removal.
- Filing opens on the 3rd Friday after the vacancy and closes 10 days later.
- Primary held on the 11th Tuesday after the vacancy occurs.
- Runoff held on the 13th Tuesday, if necessary.
- Special election held on the 20th Tuesday.



Other Special Elections

- Change the number of council seats.
- Change the method of representation.
- Change the form of government.
- Change the name of the municipality.
- Reduce the corporate limits.
- Consolidate two or more municipalities.
- Dissolve a municipality.
- 25% petition and election annexation.



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Change the Form of Government


- May be implemented only with approval of the voters in an election.
 - Ordinance Method: The municipal council initiates election by ordinance.
 - Petition Method: Requires the signatures of at least 15% of the municipality's qualified electors.
- Another FOG election may not be held for another four years regardless of the outcome.



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Change the Name of Municipality

- May be implemented only with approval of the voters in an election.
 - Ordinance Method: The municipal council initiates election by ordinance.
 - Petition Method: Requires the signatures of at least 15% of the municipality's qualified electors.
- No limitation on frequency and no required wait time between elections.



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Reduce the Corporate Limits

- May be implemented only with approval of the voters in an election.
- Must be initiated by petition with the signatures of a majority of resident freeholders.
- If vote is favorable, council must remove property from municipality by ordinance.
- Property owned by municipality or by county may be removed by ordinance.



Municipal Consolidation

- Consolidation of two or more municipalities:
 - Consolidation by 5-3-30
 - Ordinances adopted by municipalities involved.
 - Election held on question in the municipalities.
 - Consolidation by 5-3-40?
 - Ordinances adopted by municipalities involved following a public hearing held by each (but probably still requires an election).
- No limitation on frequency and no required wait time between elections.



County-Municipal Consolidation

- Initiated by county ordinance or 10% petition.
- 18-member commission formed.
- One-year to prepare consolidation charter.
- Election held within 30 to 90 days.
- Approved by majority of county electors or by majority of electors in municipalities & SPDs.
- A municipality / SPD may opt to be excluded.
- Election may not be held again for 4 years.



Municipal Dissolution

- Three ways for a municipality to be dissolved:
 1. Municipal charter automatically forfeited if population falls below 50.
 2. If the municipality no longer provides services, collects no taxes, and has not held an election for four years.
 3. If majority of electors petition council to surrender municipal charter, an election is held. If it passes by a 2/3 margin, the Secretary of State revokes charter.
- No limitation on frequency and no required wait time between elections.



25% Petition-Election Annexation

- Petition signed by 25% of electors in area to be annexed causes a special election. If majority of electors within the area to be annexed vote to approve, results are published.
- Council may approve annexation unless 5% of municipal electors petition for an election to be held within municipality. Municipal special election is binding.
- "Opt-out" provision for freeholders owning 25% of assessed value of property to be annexed or those owning ten acres of agricultural real property.
- If election fails, may not be held for another 24 months.



Types of Referenda

- Advisory referendum.
- Utility system referendum or issuance of an exclusive franchise.
- Petition initiative referendum.
- Debt limit for general obligation bonds.
- Sunday alcohol sales.
- Incorporation.
- Local option tourism development fee.
- Capital project sales tax.
- Local option sales tax.



Advisory Referenda

- Council can call for an advisory referendum on an issue facing the city or town.
- Council is not bound by the results of the advisory referendum.
- There are advantages and disadvantages to using an advisory referendum.



Utility System Referenda

- Referendum required before a city or town may construct, purchase, or otherwise acquire a utility system (going into the business).
- Requirement applies to acquisition and operation of electric, gas, water, sewer, transportation, or any other public utility system or facility.



Exclusive Franchise

- Cities may grant exclusive franchises for electric (SC Code § 58-27-410) or water and or sewer (SC Code 5-31-50) services by ordinance, if:
 - Proposed franchise is approved by a 2/3 vote of council; **and**
 - A referendum is held in which a majority of electors vote in favor of the franchise.
 - Water and sewer term may not exceed 40 years; no term limit for electricity.



Petition Initiative Referenda

- Initiated by 15% petition under SC Code § 5-17-10.
- May be used to propose any lawful ordinance except one to appropriate funds, levy a tax, or amend zoning.
- Also, within 60 days, electors may petition to repeal any ordinance issuing bonds, notes, or other debt backed by full faith and credit except TANs or bonds approved by referendum.
- If council fails to pass or repeal an ordinance as petitioned, or passes one substantially different, the city must conduct a referendum no sooner than 30 days and not later than 1 year after.



Exceed the 8% Cap on GO Debt

- SC Constitution limits the amount of outstanding general obligation debt a municipality may have at any one time to 8% of the total assessed value within the municipality.
- However, debt limit may be exceeded by referendum.
- Bonds approved by referendum do not count against the 8% limit.



Exceed the 8% Cap on GO Debt

- Lease-purchase financing does not count toward the limit, unless the lease-purchase is for real property or fixtures.
- Revenue bonds do not count toward the limit.
- The referendum question must ask if council should be allowed to issue general obligation bonds for a specific purpose that would exceed the 8% debt limit.
- Must be specific as those bonds proceeds may be used only for the designated projects.



Sunday Alcohol Sales

- SC Code § 61-6-2010: Approved by referendum initiated in one of two ways: (a) by council by ordinance; or (b) by petition of 10% of the city's qualified electors or by 7,500 qualified electors, whichever is less.
- Referendum may ask for approval of off-premise consumption sales of beer and wine; ~~or~~ on-premise consumption sales of alcoholic liquor drinks; ~~or~~ both on-premise liquor and off-premise beer and wine.
- Must be held with next general election of the municipality or county (if no municipal election in that year).
- If it fails, may not be revisited for four years.



Incorporation Referenda

- Proposed area must meet following criteria:
 - population density of >300 people per square mile;
 - area not within 5 miles of an existing municipality, unless area (a) has been refused annexation within past 6 months; (b) has a population of 7,000; (c) is within 5 miles of 2 different cities in 2 separate counties other than the home county of the area; or (d) is within a county with a population less than 51,000.
- Must develop a feasibility study for delivering law enforcement services as well as three other services on the first day of the third fiscal year following incorporation.



Incorporation Referenda

- Joint Legislative Committee on Municipal Incorporations reviews study/proposal.
- If favorable, SC Secretary of State appoints an election commission with three or more members to hold a referendum within 20 to 90 days.
- Electors within the area vote on incorporation, municipal name, form of government, method of representation, method of election (non-partisan or partisan), and terms of office (two or four years).



Incorporation Referenda

- If approved by voters, Secretary of State issues certificate of incorporation and election commission schedules election of mayor and council.
- Certificate of incorporation not effective until the municipal council is elected and qualified.
- A suit to challenge the incorporation may be brought within 60 days of the issuance of the incorporation certificate



ACTIVITY	SPECIAL ELECTION	REFERENDUM	HOW INITIATED	FREQUENCY	STATUTE REFERENCE
Advisory Referendum		X	As Needed	N/A	§ 5-7-30
Annexation by 25% Petition & Election	X		25% Petition	2 Yrs.	§ 5-3-300
Change form of Government	X		Council Vote or 15% Petition	4 Yrs.	§ 5-15-20
Change the Number of Council Seats	X		Council Vote or 15% Petition	2 Yrs.	§ 5-15-30
Capital Project Sales Tax		X	Co. Council Vote	8 Yrs.	§ 4-10-300
Change Method of Election	X		Council Vote or 15% Petition	2 Yrs.	§ 5-15-30
Change Name of Municipality	X		Council Vote or 15% Petition	N/A	§ 5-15-20
Consolidation	X		Co. Council Vote or 10% Petition	4 Yrs.	§ 4-8-20
Dissolution of Municipal Charter	X		Majority of Voters sign Petition	N/A	§ 5-1-100
Fill vacancy in office	X		As Needed	N/A	§ 7-13-190
Incorporation		X	15% Petition	As Needed	§ 5-1-40
Issuance of an Exclusive Franchise		X	2/3 Vote by Council	N/A	§ 5-31-10
Local Option Sales Tax		X	Co. Council Vote	1 Yr.	§ 4-10-30
Local Option Tourism Development Fee		X	2/3 Vote of Council	2 Yrs.	§ 4-10-910
Petition Initiative Referendum		X	15% Petition	N/A	§ 5-17-10
Raise Debt Limit / Issue GO Bonds		X	As Needed	N/A	§ 5-21-250
Reduction of Corporate Limits	X		Petition by Majority of Freeholders		§ 5-3-280
Sunday Alcohol Sales		X	Petition of 10% of voters or 7,500	4 Yrs.	§ 61-6-2010
Utility System Referendum		X	As Needed	N/A	Art. VII 16 of St. Const.



Conducting Successful Municipal Elections



Election Notices

- Two notices required for all elections.
- Published in newspaper of general circulation in municipality (online is not sufficient).
- First notice published not later than 60 days before election.
- Second notice published not later than two weeks after first notice.
- The best practice is to publish 90 days before the election.



Election Notices

- Notices must contain (SC Code § 7-13-35):
 - date of election;
 - last date to register to vote;
 - precincts and polling places;
 - date, time, location of provisional ballot hearing; and
 - date, time, location of opening absentee ballots
- Should also include filing information.



Poll Manager Training

- MEC must ensure poll managers are trained before every election.
- MEC must ensure poll managers are provided with updated materials:
 - poll manager handbook;
 - provisional ballot envelope and hearing notice;
 - VR list, poll list, ballots, ballot boxes; and
 - posters, pens, pencils, other supplies.



Photo ID

- Voters must provide photo ID to vote in person:
 - S.C. Driver's License,
 - S.C. ID Card w/photo issued by DMV,
 - S.C. Voter Registration Card with photo,
 - Military ID issued by US Government (including VA Benefits Card), or
 - U.S. Passport.



If Voter Has Qualifying Photo ID

- They are ready to vote.
- They do not need to obtain a voter registration card with a photo.
- They should remember to bring one of the photo IDs to their polling place.
- Also applies to in-person absentee voting.

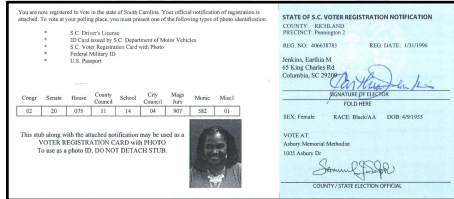


If Voter Does Not Have Photo ID

- Should get one before going to the polls to vote.
- DMV IDs are free.
- Photo VR Cards are free from county voter registration office:
 - "verbal" ID required, and
 - name, DOB, last four digits of SSN.



Paper VR Card With Photo



Plastic VR Card With Photo



If Voter Forgets Photo ID

- Two options if a voter has a photo ID but forgets to bring it to the polls:
 - go get it and return to vote; or
 - vote a provisional ballot that will NOT count UNLESS they show their photo ID to the MEC by the time of the provisional ballot hearing.
- MEC must have system in place to record the voters who have provided photo ID.



If Voter Does Not Have Photo ID

- If a voter does not have a photo ID due to some obstacle, they may vote a provisional ballot after:
 - showing their paper voter registration card without a photo (old card), and
 - signing an affidavit attesting to their identity and impediment.



Who Determines Reasonableness

- Voter may claim any obstacle he/she finds reasonable, as long as it is true.
- Only the voter determines what is reasonable.
- Poll managers and other election officials do not determine the reasonableness of the claimed impediment.



Reasonable Impediments

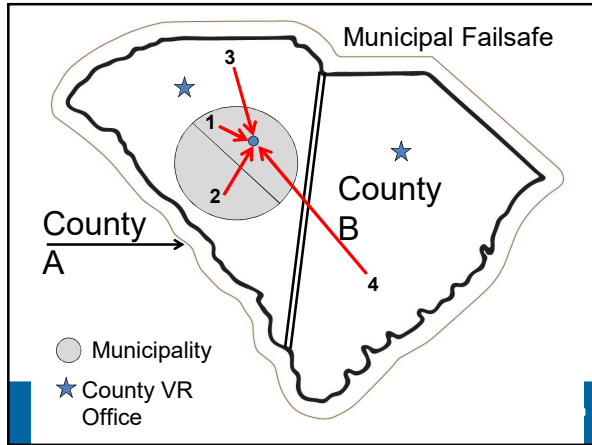
- Ballot will count if voter provides photo ID prior to certification of the election.
- Reasonable impediment ballots will count unless someone proves the affidavit is false.
- Would have to prove voter lied about identity or about having the impediment



Failsafe Voting

- Voters who have moved but did not update address; applies only to citywide elections.
- Certain restrictions apply:
 - If voter moved from one county to another prior to the registration deadline, must have registered in new county by deadline.
 - Voter must have resided in the city / town for 30 days in order to vote in municipal elections.





Municipal Failsafe (Citywide Offices Only)

1. Move from inside city, inside precinct:
 - Update address and vote regular ballot.
2. Move from inside city, precinct to precinct:
 - Limited failsafe at previous precinct.
 - Full failsafe at VR office.



Municipal Failsafe (Citywide Offices Only)

- 3. Move from outside municipality, within county
 - Must ask when voter moved.
 - If within 30 days, cannot vote (30-day residency).
 - If more than 30 days, failsafe applies.
 - Only option is to vote full ballot at VR office (no election at previous precinct).
- 4. Move from outside municipality, outside county
 - Voter may not vote
 - Date of move is of no significance



Certification

- Poll managers report results to MEC within 24 hours.
- Must meet at date, time, and place in notice, not later than three days following election.
- All results (except provisional ballots) must have been tabulated prior to hearing.
- Provisional ballot hearing conducted first, votes added before certification.
- After certification, the results are official.



Provisional Ballot Hearing

- Failsafe Provisional Ballots. Once change of address is confirmed, CEC must verify voter voted "failsafe" ballot with correct offices.
- Voter did not bring Photo ID. Ballots must be counted if the voter has shown Photo ID to CEC.
- Voter has no Photo ID (Reasonable Impediment). Must be counted if voter signed affidavit and no one presents evidence to prove voter lied about identity or having listed impediment to obtaining Photo ID.



Provisional Ballot Hearing

- Administrative challenges upon examination.
- Witnesses may testify.
- Evidence may be submitted.
- Voters may be represented by attorney .
- If no challenge, provisional ballot is counted.
- MEC must vote on each provisional ballot.
- Decision of MEC is final.
- Invalid ballots must be retained as well.



Determining Mandatory Recounts

Recount is mandatory if:

- Difference between winning and losing candidate is 1% or less.
- In a multiple-seats-to-fill election, difference between the lowest of the winners and highest of the losers is 1% or less.
- Difference between yes and no is 1% or less.
- Recounts apply to offices, not elections.
- Recount can be waived by candidate in writing.



Certification Summary

1. Motion on provisional ballots (if necessary)
2. Update results (if necessary)
3. Motion to certify results
4. Motion to call for recount (if necessary)
5. Conduct recount (if necessary)
6. Motion to certify recount (if necessary)
7. Motion to call for runoff (if necessary)



Protests

- Heard by MEC or CEC.
- Rules don't change if heard by CEC.
- Protest deadline is 48 hours after polls close (7 p.m. on Thursday).
- Only candidates have standing to protest.
- Protest must be in writing (contain concisely stated grounds and copies provided for each candidate).
- Must hold hearing 48 hours after protest is filed.



Preparing to Hear a Protest

- Set date, time, and place for hearing.
- Notify all candidates in writing.
- Provide copy of protest to candidates.
- Get a court reporter.
- Notify municipal and/or county attorney.
- Schedule hearing room.
- Secure ballots, voter registration lists, etc.
- Post meeting notice – 24 hours.
- Issue and deliver subpoenas.



Appeals

- Must file within ten days of MEC decision.
- Filed with the County Clerk of Court.
- Circuit Court (Court of Common Pleas) hears the protest.
- May be appealed to the S.C. Supreme Court.
- The filing of a protest acts as a stay on any action related to the office protested until the protest/appeals process is over.



Resources



S.C. Election Commission
www.scvotes.org

Municipal Association of South Carolina
www.masc.sc
Keyword: *elections*

Special thanks to the SC Election Commission for furnishing much of the information and data referenced in this presentation.



Municipal Association
of South Carolina



Questions?



Municipal Association
of South Carolina
