

**AN ORDINANCE  
APPROVING AND ACCEPTING THE COMPLETE TRANSFER OF AUTHORITY TO CONDUCT  
MUNICIPAL ELECTIONS FOR THE TOWN OF SULLIVAN'S ISLAND TO THE BOARD OF  
ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY**

WHEREAS, S.C. Code Ann. § 5-15-145 (1976), as amended, allows for the transfer of some or all authority to conduct municipal elections from municipal election commissions to county election commissions upon the adoption of appropriate ordinances by those desiring to effect such transfer; and

WHEREAS, the Town Council of the Town of Sullivan's Island has determined that complete authority to conduct municipal elections should be transferred to the Board of Elections and Voter Registration of Charleston County ("Board"), and the Town of Sullivan's Island adopted Ordinance Number 2024-01 on May 21, 2024, to effect that transfer. The Town of Sullivan's Island Ordinance Number 2024-01 is attached as Exhibit "A" and made a part by reference; and

WHEREAS, Charleston County Council desires to enact an ordinance approving and accepting the complete transfer of authority to conduct municipal elections for the Town of Sullivan's Island to the Board.

NOW THEREFORE, BE IT ORDAINED by Charleston County Council in meeting duly assembled, as follows:

**SECTION I.** The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II.** In accordance with the authority devolved by S.C. Code Ann. § 5-15-145, 1976 as amended, and pursuant to the terms of Town of Sullivan's Island Ordinance Number 2024-052, Charleston County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the Town of Sullivan's Island to the Board. The Board shall be completely responsible for municipal elections held within the Town. The authority here transferred includes, but is not limited to, addressing all disputes and questions that arise out of the election process, publishing proper notices of elections, ensuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing early voting, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to ensure that proper procedures and laws are being followed, certifying the results of the election, reviewing decisions on challenges from candidates, reviewing decisions on challenged ballots, and hearing protests filed in connection with the conduct of a Town election. All elections conducted by the Board shall be in accordance with Title 7 of the Code of Laws of South Carolina, 1976 as amended.

**SECTION III.** The Town shall reimburse the Board for all costs incurred in providing ballots, advertising elections, printing costs, poll managers' compensation and other additional expenses incurred in, or arising from, its conduct of municipal elections in the Town.

**SECTION IV.** In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the same shall be heard by the Board and defended by its

attorney. The Town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the Board, its officers, agents and employees, and the officers, agents, and employees of the County.

**SECTION V.** The Board shall provide invoices and/or other documentation to the Town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this Ordinance.


**SECTION VI.** If any provision of this Ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**SECTION VII.** This Ordinance shall become effective upon third reading by Charleston County Council.

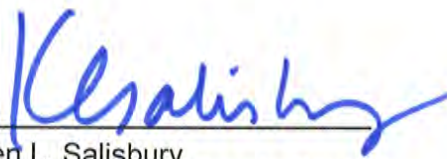
ADOPTED and APPROVED in meeting duly assembled this 13<sup>th</sup> day of August 2024.



CHARLESTON COUNTY COUNCIL

By:   
Herbert R. Sass, III  
Chairman of Charleston County Council

ATTEST:

By:   
Kristen L. Salisbury  
Clerk to Charleston County Council

**Exhibit A**

Town of Sullivan's Island Ordinance Number 012-23  
Adopted June 13, 2023

PATRICK M O'NEIL  
MAYOR

TOWN COUNCIL  
JUSTIN NOVAK  
MAYOR PRO-TEM  
NED HIGGINS  
CARL HUBBARD  
JODY LATHAM  
SCOTT MILLIMET  
GARY VISSER

## TOWN OF SULLIVAN'S ISLAND



ANDY BENKE  
TOWN ADMINISTRATOR

JOSEPH R. HENDERSON  
DEPUTY ADMINISTRATOR

JASON BLANTON  
TOWN COMPTROLLER

LAWRENCE A. DODDS  
TOWN ATTORNEY

CHARLES DRAYTON  
DIRECTOR OF PLANNING AND ZONING

GREG GRESS  
WATER AND SEWER MANAGER

GLENN MEADOWS  
POLICE CHIEF

M. ANTHONY STITH  
FIRE CHIEF

BRIDGET WELCH  
TOWN CLERK

MAX WURTHMANN  
BUILDING OFFICIAL

### ORDINANCES 2024-01

#### AN ORDINANCE TO AMEND CHAPTER 33: ELECTIONS OF THE TOWN OF SULLIVAN'S ISLAND

**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 the appropriate ordinances by those municipalities desiring to affect such transfer, and**

**WHEREAS, the Town of Sullivan's Island ("Town") desires to transfer authority for conducting municipal elections to the Board of Elections and Voter Registration for Charleston County and to disband the Town's Municipal Election Commission, and**

**WHEREAS, in practice, the Charleston County Board of Elections and Voter Registration currently conducts the Town's elections and has stated it will no longer support local or general election activities in Sullivan's Island should the Town fail to change the date of local elections from May of odd years to November of odd years, and**

**WHEREAS, Town Council is desirous of continuing a partnership with Charleston County due to lack of capacity to hold elections within the Town without a major budgetary impact, and**

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL IN MEETING DULY ASSEMBLED, that the Town of Sullivan's Island Ordinance Chapter 33: Elections to be so amended to hereafter read as follows:**

## CHAPTER 33: ELECTIONS

### Section

- 33.01 Adoption of non-partisan and run-off method
- 33.02 At-large election of Town Council
- 33.03 Determination of majority vote
- 33.04 Run-off election procedure
- 33.05 Regular election date and beginning of term of office
- 33.06 Nominations by petition; contents of petition
- 33.07 Notice of election date and deadline for filing
- 33.08 Qualification of elected officers; procedure when results are contested

#### § 33.01 ADOPTION OF NON-PARTISAN AND RUN-OFF METHOD.

All regular and special elections for the offices of Mayor and Town Council of the town held after this date shall be conducted under the non-partisan election and run-off election method as prescribed in S.C. Code § 5-15-62, as amended.

(Prior Code, § 6-1) (Ord. passed 3-19-1979)

Statutory reference:

Elections generally, see S.C. Code § 5-15

#### § 33.02 AT-LARGE ELECTION OF TOWN COUNCIL.

Members of the Town Council shall be elected from the town at large.

(Prior Code, § 6-2) (Ord. passed 3-19-1979)

#### § 33.03 DETERMINATION OF MAJORITY VOTE.

(A) Results in elections conducted on Sullivan's Island shall be determined by a majority of the votes cast.

(B) A majority within the meaning of this chapter shall be determined as follows.

(1) When more than one person is seeking election to a single office, the majority shall be ascertained by dividing the total votes cast for all candidates by two. Any excess of the

sum so ascertained shall be a majority and the candidate who obtains a majority shall be declared elected.

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

(Prior Code, § 6-3)

#### § 33.04 RUN-OFF ELECTION PROCEDURE.

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

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

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

(Prior Code, § 6-4) (Ord. passed 3-19-1979)

#### § 33.05 REGULAR ELECTION DATE AND BEGINNING OF TERM OF OFFICE.

(A) All regular general elections for the office of Mayor and the offices of Town Council members shall be held on the first Tuesday following the first Monday of November in odd numbered years. The terms of office of persons elected in a regular election shall begin at the first regular meeting in December, and terms of those elected in special elections shall begin at the first regular meeting of Council following their election and qualification.

(B) Upon the enactment of this ordinance, the Town's next general election shall be on November 4, 2025, thus extending the terms of office of the Mayor and 3 Council persons to the first regular council meeting in December 2025. Thereafter the next

general election shall be held on November 2, 2027, thus extending the terms of 3 Council persons to the first regular council meeting in December 2027.

(Prior Code, § 6-5) (Passed 5-21-2024)

Cross-reference:

Temporary holdover when successor has not qualified, see § 30.09

Statutory reference:

Special elections, see S.C. Code § 5-7-200

### § 33.06 NOMINATIONS BY PETITION; CONTENTS OF PETITION.

Nominations for public office shall be by petition. Said petitions shall be filed with the Municipal Clerk by 12:00 noon 75 days before the election and shall bear the signatures of not less than 5% of the number of qualified registered electors of the town. Each petition shall also contain a statement of the purpose of the petition, the name of the candidate, the office sought, the date of the election, signature and printed name of the voter, the address of residence where registered and precinct of the voter of those signing and shall be on good quality original bond paper sized eight and one-half inches by 14 inches. The signatures of registered voters should be numbered consecutively. Petitions with more than one page must have pages consecutively numbered when filing with the Municipal Clerk. All petition candidates must also submit their statement of economic interest to the Municipal Clerk when filing their petition.

(Prior Code, § 6-6) (Ord. passed 3-19-1979; Ord. passed 10-19-2004) (Passed 5-21-2024)

Statutory reference:

Filing of economic interest statements with petition, see S.C. Code § 8-13-910

### § 33.07 NOTICE OF ELECTION DATE AND DEADLINE FOR FILING.

(A) The Board of Elections and Voter Registration for Charleston County shall give public notice twice of all elections, the first notice published at least 60 days prior thereto, noting therein the date of the election and the deadline for filing petitions with the Municipal Clerk. The second notice must be published not later than two weeks after the first notice.

(B) The notice must contain the following information:

- (1) The last date one can register to be eligible to vote in the upcoming election;
- (2) The date, time and location any hearing on challenged ballots will be held;
- (3) The precincts involved in the election and the polling places in those precincts;

(4) The time and place absentee ballots will be counted; and

(5) Information instructing potential candidates on how to file for office in an election.

(Prior Code, § 6-7) (Ord. passed 3-19-1979; Ord. passed 10-19-2004) (Passed 5-21-2024)

Statutory reference:

Notice, see S.C. Code § 5-15-50

#### **§ 33.08 QUALIFICATION OF ELECTED OFFICERS; PROCEDURE WHEN RESULTS ARE CONTESTED.**

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

(Prior Code, § 6-8) (Ord. passed 3-18-1979)

#### **§ 33.09 MUNICIPAL ELECTION COMMISSION DISBANDED AND AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TRANSFERRED TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION FOR CHARLESTON COUNTY.**

(A) The Town hereby disbands its Municipal Election Commission and transfers the authority to conduct the Towns Municipal elections to the Board of Elections and Voter Registration for Charleston County. The Board of Elections and Voter Registration for Charleston County shall conduct the municipal elections in accordance with Title 7 of the S.C. Code of Election Laws unless otherwise specified by Title 5. The Board of Elections and Voter Registration for Charleston County shall certify the results of each election to the municipality immediately following the certification of the votes cast in each election.

(B) The Town of Sullivan's Island shall reimburse the Board of Elections and Voter Registration for Charleston County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the Town of Sullivan's Island. Poll Managers will be paid at the standard rate set by the County for all other elections. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town of Sullivan's Island shall pay all fees, costs, and expenses incurred in such protest or litigation. The Charleston County Board of Elections and Voter Registration shall provide invoices and/or other documentation to the Town of Sullivan's Island of all such costs and expenses incurred in the conduct of the Town of Sullivan's Island's Municipal Elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in the ordinance. (Passed 5-21-2024)



**THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON RATIFICATION  
SIGNED, SEALED AND DELIVERED THIS 21<sup>ST</sup> DAY OF MAY, 2024.**

  
Patrick M. O'Neil - Mayor

  
Bridget Welch – Town Clerk

First Reading: March 19, 2024  
Second Reading: April 16, 2024  
Third Reading: May 21, 2024