

**ORDINANCE NO. 273 - Amended
CITY OF TEGA CAY, SC**

AUTHORIZING THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE CITY OF TEGA CAY TO THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY FOR THE CONDUCT OF MUNICIPAL ELECTION IN THE CITY OF TEGA CAY; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Section 1. Purpose. Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of the power, 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. The City of Tega Cay desires to transfer all authority for conducting municipal elections to the Registration and Elections Commission for York County. Therefore, the purpose of this ordinance is to effect proper compliance with the provision of the Home Rule Act of 1975, now South Carolina Code of Laws of 1976, Section 5-7-30, Section 5-7-260, Section 5-15-145; to provide for the orderly transfer of the election process from the City of Tega Cay to the York County Registration and Election Commission to fill the offices of Mayor and City Council and conduct any special election requirement; and to confirm the date of the next City of Tega Cay elections.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Tega Cay, duly assembled in Council this 11th day of May, 2007:

Section 2. All authority for the conducting of municipal elections is hereby transferred to the Registration and Elections Commission for York County in the following particulars:

1. The Registration and Elections 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 Tega Cay.

2. Immediately upon the closing of the polls at any municipal elections in the City of Tega Cay, the Registration and Elections Commission for York County shall

provide totals of 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 Registration and Elections Commission shall thereafter certify the results of the elections and transmit the certified results to the City of Tega Cay City Council or an appointed authority representing the city government as soon as practicable 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.

6. Take such other action as may be necessary or appropriate to conduct municipal elections and certify the results.

Section 3. The City of Tega Cay shall reimburse the Registration and Elections 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 Tega Cay. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Tega Cay shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Registration and Elections Commission of York County shall provide invoices and/or other documentation to the City of Tega Cay for all such costs and expenses incurred in the conduct of City of Tega Cay municipal elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

Section 4. Municipal Election Commission. The Tega Cay Municipal Election Commission shall be abolished by approval of this ordinance in accordance with Section 5-15-145 of the South Carolina Cod of Laws, 1976, as amended.

Section 5. Form of Government. The Form of Government shall remain council-manager enacted by Ordinance 188 as adopted August 19, 2002.

Section 6. Term of Office. The Mayor and two (2) members of Council shall be elected to serve terms of four (4) years beginning on their date of swearing in following the general election held on the first Tuesday following the first Monday in November 2009. Two (2) members of Council will be elected to serve terms of four (4) years in the

alternate two-year cycle beginning on the first Tuesday following the first Monday in November 2007 of the alternate two-year cycle. Newly elected members of council shall be sworn into office at the City Council meeting first occurring in the following January.

Section 7. Election at Large. The Mayor and Council shall be elected from the municipality at large and candidates for Mayor and Council are required to be registered voters and residents of the City, but are not required to be residents of any particular area of the City.

Section 8. Election Laws Applicable. It is hereby declared and required that all elections within the City, whether general or special, shall be governed by the applicable provisions of South Carolina law.

Section 9. Non-Partisan General Elections. The non-partisan election using the plurality method prescribed in Section 5-15-61, South Carolina Code of Laws, 1976, as amended, shall be the method of election for municipal elections within the City of Tega Cay, SC.

Section 10. Special Elections.

(1) Whenever a vacancy occurs in the office of mayor or councilmember by reason of death, resignation, or removal, and the vacancy is one which is filled by a special election to complete the term of office, the Council shall order a special election as follows:

(a) The county election commission shall be required to open filing for statements of candidacy at noon on the third Friday after the vacancy occurs for a period to close ten days later at noon. If the filing period closes on a state holiday, then filing must be held open through the succeeding weekday. For purposes of this subsection, state holiday does not mean the general election day.

(b) The special election must be set for the 13th Tuesday after the vacancy occurs. If the date for a special election falls on a state holiday, it must be set for the next succeeding Tuesday. For purposes of this subsection, state holiday does not mean the general election day.

(c) Vacancies for an unexpired term shall be filled by holding a Special Election, pursuant to Section 7-13-190 of the South Carolina Code of Laws. Such specially elected Councilmember(s) shall be sworn into office at the next occurring Regular Council meeting following the certification of the election results, provided however, such swearing in shall not occur within forty-eight (48) hours of after the closing of the polls.

Section 11. Filing a Statement of Candidacy. Candidates for the office of Mayor or Council shall file a statement of Candidacy with the York County Registration and Elections Commission not earlier than 90 days, and not later than sixty (60) days prior to the date of the election, and said Statement shall be accompanied by a filing fee of twenty-five and no/100 (\$25.00) dollars.

Section 12. Date of General Election. A general election shall be held for the election of Council and Mayor, if necessary, on the first Tuesday following the first Monday in November of odd years. If a runoff is necessary, a runoff election shall be held two weeks following the first election.

Section 13. Public Notice. The York County Registration and Election Commission shall in compliance with the requirements of applicable law, publish notice of City of Tega Cay elections.

Section 14. Establishment of Ward and Precinct Lines. The City of Tega Cay, SC shall constitute a single ward. Precinct lines within the City of Tega Cay shall be identified to that established by the General Assembly of the State of South Carolina for precincts within York County, South Carolina.

Section 15. 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:

(1) adoption of an appropriate ordinance by the governing body of the City of Tega Cay transferring the authority described hereunder;

(2) adoption of an appropriate ordinance by the governing body of York County accepting the transfer of the authority described hereunder;

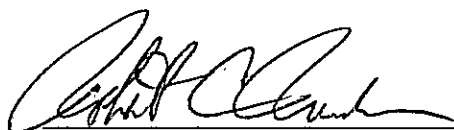
(3) submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

Section 16. Repeal of Inconsistent Ordinances or Portions Thereof. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of inconsistency.


FIRST READING: May 4, 2007
SECOND READING: May 11, 2007

Enacted this 11th day of May, 2007, by a majority vote of the duly elected City Council of the City of Tega Cay.

Signed:



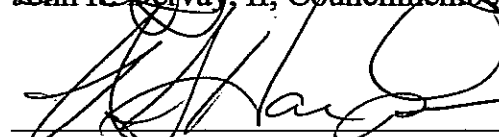
Robert C. Runde, Mayor



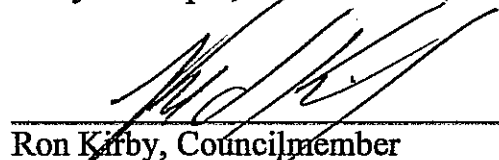
Les Conner, Mayor Pro Tempore



John R. Dervay, II, Councilmember



Larry S. Harper, Councilmember



Ron Kirby, Councilmember