



## Executive Committee Beaufort County, SC

This meeting will be held in County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom

**Monday, August 15, 2022  
1:00 PM**

### AGENDA

#### COMMITTEE MEMBERS:

**PAUL SOMMERVILLE, CHAIRMANN  
ALICE HOWARD  
MARK LAWSON**

**LAWRENCE MCELYNN  
STU RODMAN**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - MAY 2, 2022
6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes ( a total of 15 minutes ) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

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### AGENDA ITEMS

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7. DISCUSSION OF AN ORDINANCE THAT ACCEPTS THE TRANSFER OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT TO THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY.
8. ADJOURNMENT

**TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:**

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



## Executive Committee Beaufort County, SC

This meeting was held at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom.

Monday, May 02, 2022  
2:30 PM

### MINUTES

#### 1. CALL TO ORDER

Vice-Chairman Sommerville called the meeting to order at 2:55 pm.

#### PRESENT

Committee Chairman D. Paul Sommerville  
Council Member Joseph F. Passiment  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Stu Rodman  
Council Member Chris Hervocho  
Council Member Alice Howard  
Council Member York Glover  
Council Member Gerald Dawson  
Council Member Logan Cunningham

#### ABSENT

Council Member Brian Flewelling

#### 2. PLEDGE OF ALLEGIANCE

Vice-Chairman Sommerville led the Pledge of Allegiance.

#### 3. FOIA

Vice-Chairman Sommerville noted that the Public Notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

#### 4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Rodman, Seconded by Council Member Dawson to approve the agenda.

**The Vote:** The motion was approved without objection.

5. **APPROVAL OF MINUTES- MARCH 7, 2022**

**Motion:** It was moved by Council Member Dawson, Seconded by Council Member Rodman, to approve the minutes from March 7, 2022.

**The Vote:** The motion was approved without objection.

6. **CITIZEN COMMENTS**

No citizen comments.

7. **UPDATE ON THE TRANSPORTATION ADVISORY COMMITTEE, DEAN MOSS**

Assistant County Administrator Jared Fralix introduced Eric Clausen, Director of Transportation, and then introduced Dean Moss to update the Committee on the Transportation Advisory Committee. Requesting an additional two weeks to meet before bringing recommendations forward.

Please watch the video stream available on the County's website to view the full presentation.

<https://beaufortcountysc.new.swagit.com/videos/170947>

8. **RECOMMEND APPROVAL OF THE APPOINTMENT OF ERIC GREENWAY TO THE SOUTHERNCAROLINA ALLIANCE BOARD OF DIRECTORS FOR A FIRST TERM**

**Motion:** It was moved by Council Member Rodman, Seconded by Council Member Dawson, to postpone the item until the next Executive Committee Meeting on June 6, 2022.

**The Vote:** The motion was approved without objection.

**Status:** Bring the item back to the Executive Committee Meeting on June 6, 2022.

Please watch the video stream available on the County's website to view the full presentation.

<https://beaufortcountysc.new.swagit.com/videos/170947>

9. **RECOMMEND APPROVAL OF THE REAPPOINTMENT OF D. PAUL SOMMERVILLE FOR A THREE-YEAR TERM TO THE SOUTHERNCAROLINA ALLIANCE BOARD OF DIRECTORS**

**Motion:** It was moved by Council Member Glover, Seconded by Council Member Howard, to recommend the approval of the reappointment of D. Paul Sommerville for a three-year term to the SouthernCarolina Alliance Board of Directors.

**The Vote:** The motion was approved without objection.

**Status:** Forward to Council for approval.

10. **ADJOURNMENT**

The meeting adjourned at 3:35 PM.

Ratified:

## ORDINANCE

An Ordinance transferring the authority for conducting municipal elections to the county election commission, and repealing Section 1-8003 of the City Code of Ordinances

**WHEREAS**, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and,

**WHEREAS**, §5-15-145 also provides that the County elections commission is authorized to conduct municipal elections; and,

**WHEREAS**, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and,

**WHEREAS**, City Council for the City of Beaufort finds that it is in the best interest of the City and its citizens for the authority to conduct municipal elections to be transferred to the Board of Voter Registration and Elections of Beaufort County; and,

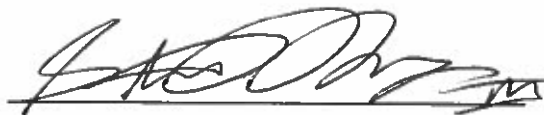
**WHEREAS**, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to this transfer of authority under the terms set forth below:

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaufort, in council duly assembled, and by the authority of the same, as follows:

1. The authority for the conducting municipal elections in the City of Beaufort is hereby transferred to the Board of Voter Registration and Elections of Beaufort County.
2. The Board of Voter Registration and Elections of Beaufort County (the Beaufort County Board) shall hereafter be empowered to conduct municipal elections in the City of Beaufort in accordance with Title 7 of the South Carolina Code of Laws, and the Code of Ordinances for the City of Beaufort. The Beaufort County Board will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.
3. The City Municipal Election Commission shall be abolished, and Section 1-8003 of the City Code of Ordinances shall be repealed.
4. The City of Beaufort shall reimburse the Board of Beaufort 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 City of Beaufort. Poll Managers will be paid at the standard rate set by the State Election Commission for all other elections. In the event a protest is filed, or litigation is commenced in connection with the conduct of municipal elections, the City of Beaufort shall pay all fees, costs and expenses incurred in such protest or litigation. The Beaufort County Board shall provide invoices and/or other documentation to the City of all such additional costs and expenses incurred in the conduct of City of Beaufort Municipal Elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

- 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency.
- 6. This Ordinance shall become finally binding upon adoption, and additionally upon the adoption of Beaufort County Council of an Ordinance accepting such transfer.



Stephen D. Murray III, Mayor

Attest



Traci Guldner, City Clerk

First Reading 5-10-22

Second Reading and adoption 5-24-22

Approved in Form: William B. Harvey, III

(1)

## ORDINANCE No. 2022/\_\_\_\_\_

## AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

WHEREAS, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and,

WHEREAS, §5-15-145 also provides that county elections commissions are authorized to conduct municipal elections; and,

WHEREAS, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and,

WHEREAS, on April 26, 1999, Beaufort County Council adopted ordinance 99/10 (which amended ordinance 97/11) accepting certain elements of the conduct of municipal elections for the City of Beaufort; and

WHEREAS, ordinance 99/10 provided that the City of Beaufort would retain certain elements of the conduct of municipal elections; and

WHEREAS, City Council for the City of Beaufort has adopted an ordinance dated May 24<sup>th</sup>, 2022 which finds that it is in the best interest of the City and its citizens for the full authority to conduct municipal elections to be transferred to the Board of Voter Registration and Elections of Beaufort County; and,

WHEREAS, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to this transfer of authority under the terms set forth below:

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County Council, in meeting duly assembled, and by the authority of the same, as follows:

1. In accordance with the authority devolved by Section 5-15-145, Code of Laws of South Carolina, 1976 as amended, and pursuant to the terms of the Beaufort City ordinance adopted May 24<sup>th</sup>, 2022 Beaufort County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the town to the Board of Voter Registration and Elections of Beaufort County (the "Board"). The Board shall be completely responsible for municipal elections held within the City. 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, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the early voting centers absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure 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, hearing protests filed or litigation commenced in connection with the conduct of a City election. All elections conducted by the board shall be in accordance with S.C. Code 1976, title 7, as amended, unless otherwise provided in or modified by S.C. Code 1976, title 5, as amended.

2. The City 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 City town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

3. 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 City 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

4. The Board shall provide invoices and/or other documentation to the City 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 section.

5. If any provision of this section 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 section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.

6. This action shall take effect upon adoption of this section accepting the authority being transferred hereunder;

7. All portions of ordinances 97/11 and 99/10 which are inconsistent with the terms herein are hereby repealed.

IT IS SO ORDAINED.

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Attest: Sarah Brock, Clerk to Council

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Joe Passiment, Chair of Council

First Reading:\_\_\_\_\_

Second Reading:\_\_\_\_\_

Third Reading:\_\_\_\_\_