

BARNWELL CITY CODE

Chapter 12

ELECTIONS

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ARTICLE I. IN GENERAL

Secs. 12-1--12-21. Reserved.

ARTICLE II. MUNICIPAL ELECTIONS*

* **State Law References:** Nominations and elections for municipal offices, S.C. Code 1976, § 5-15-10 et seq.; South Carolina Election Law, S.C. Code 1976, § 7-1-10 et seq.; functions, powers and duties of municipal election commission, S.C. Code 1976, § 5-15-100; composition and terms of members of municipal election commission, S.C. Code 1976, § 5-15-90; political activities prohibited by members of local election commissions, S.C. Code 1976, § 7-13-75; qualifications for office, dual-office-holding, S.C. Const. art. XVII, § 1A; no property qualifications, duelists prohibited, S.C. Const. art. XVII, § 1B.

Sec. 12-22. Election laws of the state to govern.

All municipal elections shall be conducted in accordance with the provisions of the election laws of the state, as provided in chapter 15 of title 5, as appropriate, of the 1976 South Carolina Code of Laws (S.C. Code 1976, title 5, ch. 15).
(Code 1989, § 2.301)

Sec. 12-23. County elections commission.

(a) The county elections 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 with the city.

(b) Immediately upon the closing of the polls at any municipal election in the city, the county 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, canvas the vote and publicly display the unofficial results.

(c) The county elections commission shall thereafter hear and decide protests and certify the results of municipal elections and transmit the certified results to the city council or an appointed authority representing the city government as soon as practicable following the certification.

(d) The clerk-treasurer shall accept candidate filings and filing fees, including, but not limited to, notices of candidacy and candidacy pledges.

(e) Utilize an automated election system and computer counting with the count publicly conducted.
(Ord. No. 2003-3, 7-7-2003)

Sec. 12-24. Mayor and members of council.

(a) *Election dates and terms.* All regular elections for mayor and members of council shall be held in odd numbered years on the first Tuesday following the first Monday in November. The office of mayor and each member of council shall be elected for a term of four years with council terms being staggered so that one-half of the membership shall be elected every two years.

(b) *Mayor elected at large; members of council from single-member districts.* The mayor shall be elected at large and the council shall consist of six members elected from established single member districts. One member residing in each district shall be elected by the electors registered in that district. A member of council must continue to reside in the district from which elected as a condition of holding office.

(c) *Nonpartisan majority method of elections.* Such elections shall be conducted and results shall be determined in accordance with the nonpartisan majority method.

(d) *Ballot to contain no party affiliation.* No political party or affiliation shall be placed on any ballot for any candidate.
(Code 1989, § 2.303; Ord. of 4-7-1986; Ord. No. 90-4, 11-5-1990; Ord. No. 93-9, 12-6-1993; Ord. No. 95-1, 6-5-1995; Ord No. 2015-2, 4-6-15)

Sec. 12-25. Public notice of elections.

Public notice of all municipal elections shall be given at least 60 days prior to such elections, pursuant to S.C. Code 1976, § 5-15-50.
(Code 1989, § 2.304)

Sec. 12-26. Filing fees, statement of candidacy.

Candidates for the offices of mayor and council shall file at least 60 days prior to the date for the election, a Statement of Candidacy with a filing fee of \$25.00 attached.
(Code 1989, § 2.305)

Sec. 12-27. Candidates to be certified.

The municipal clerk shall certify the candidates to the county election commission not less than 30 days prior to the election.
(Code 1989, § 2.306)

Sec. 12-28. Polling location; hours of operations.

- (a) Municipal elections shall be conducted at the National Guard Armory.
- (b) Polling places shall be open from 7:00 a.m. to 7:00 p.m.
(Code 1989, § 2.307)

Sec. 12-29. Newly elected officers--When qualified.

Newly elected officers shall not be qualified until at least 48 hours after the closing of the polls.
(Code 1989, § 2.309)

Sec. 12-30. Same--When to assume office.

Newly elected officers shall assume office on the first Monday in January, immediately following the election, unless said election is contested.

(Code 1989, § 2.310; Ord. No. 2015-3, 4-6-2015)

Sec. 12-31. Contested elections.

Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(Code 1989, § 2.311)

Sec. 12-32. Special elections.

Special elections, when required, shall be scheduled by the council. Public notice of such elections shall be given at least 60 days prior thereto, and the other provisions of this article, as appropriate, shall apply.

(Code 1989, § 2.312)

Sec. 12-33. City employee prohibited as candidate.

No employee who offers for any elective public office shall remain an employee of the city.

(Ord. No. 97-1, 1-6-1997)