

**SPECIAL MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, JANUARY 25, 2009 - 3:30 P.M.**

**CITY-COUNTY COMPLEX, CITY MANAGER'S CONFERENCE ROOM, 605**

**FLORENCE, SOUTH CAROLINA**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

*Pledge of Allegiance to the American Flag*

**III. INTRODUCTION OF ORDINANCES**

**a. Bill No. 2010-02 – First Reading**

*An Ordinance to amend Section 2-20 of the City Code in order to codify the complete process for the holding of the Municipal Elections in 2010 and subsequent years for the occupancy of the Office of Mayor and City Council and for establishing certain times for the filing of nomination petitions, holding primaries or conventions, the entry of candidates for nominations in Municipal Party Primary Elections or Conventions and the time for closing of entries and to transfer the powers, duties, and responsibilities for conducting Municipal Elections to the Florence County Election Commission pursuant to §5-15-145 of the South Carolina Code of Laws.*

**IV. ADJOURN**

ORDINANCE NO. 2010-\_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 2-20 OF THE CITY CODE IN ORDER TO CODIFY THE COMPLETE PROCESS FOR THE HOLDING OF THE MUNICIPAL ELECTIONS IN 2010 AND SUBSEQUENT YEARS FOR THE OCCUPANCY OF THE OFFICE OF MAYOR AND CITY COUNCIL AND FOR ESTABLISHING CERTAIN TIMES FOR THE FILING OF NOMINATION PETITIONS, HOLDING PRIMARIES OR CONVENTIONS, THE ENTRY OF CANDIDATES FOR NOMINATIONS IN MUNICIPAL PARTY PRIMARY ELECTIONS OR CONVENTIONS AND THE TIME FOR CLOSING OF ENTRIES AND TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES FOR CONDUCTING MUNICIPAL ELECTIONS TO THE FLORENCE COUNTY ELECTION COMMISSION PURSUANT TO §5-15-145 OF THE SOUTH CAROLINA CODE OF LAWS**

**WHEREAS**, Section 5-15-70 of the Code of Laws of South Carolina, 1976, as amended, requires that certain times be established by Ordinance for the conduction of Municipal Elections; and

**WHEREAS**, it is the desire of Council to pass an ordinance which continues our present method of elections as established in §2-20, but to eliminate the past practice of passing a separate ordinance for each election cycle, thereby eliminating any appearance that the mayor or council members up for election are involved in setting the rules for an election process; and

**WHEREAS**, Section 5-15-145 of the Code of Laws of South Carolina, 1976, as amended, specifically provides for the transfer of the powers, duties, and responsibilities for conducting municipal elections to the county election commission.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Florence at a meeting duly assembled and by the authority thereof, as follows:

1. Section 2-20 of the City Code is hereby amended to read as follows:

**Sec. 2-20.** Composition of governing body; election of members, term of office, filling vacancies.

(a) *Composition.* The governing body of the city shall henceforth be a city council composed of seven (7) members, one of whom shall be mayor, and all of whom shall be residents of the city.

(b) *Method of election.* The mayor and three (3) council members shall be elected at large and three (3) council members shall be elected from the districts shown on the map on file in the office of the municipal clerk as Districts I, II and III. The three (3) council members elected from districts must reside in the district they represent both at the time of qualifying for election and during their term of office.

(c) *Election dates.* Regular elections shall be held on the first Tuesday following the first Monday in November in each even numbered year.

(1) On the first Tuesday following the first Monday in November, 2008, a mayor and two (2) council members will be elected at large, and thereafter an election for a mayor and two (2) council members at large shall be held on the first Tuesday following the first Monday in November in every fourth year. On the first Tuesday following the first Monday in November, 2010, one (1) council member will be elected at large and three (3) council members will be elected from the districts, and thereafter an election for one (1) council member at large and three (3) council members from the districts shall be held on the first Tuesday following the first Monday in November in every fourth year. The regular election shall be held on the dates prescribed above during voting hours beginning at 7:00 a.m. and concluding at 7:00 p.m.

(2) In the event of a tie vote for any office, a runoff election shall be held pursuant to section 5-15-125 of the South Carolina Code of Laws two (2) weeks following the election in which the tie vote occurred.

(d) *Nomination and election schedule.* Nominations of candidates may be by political party or by petition. The beginning and ending dates for nomination and election events held in each municipal, primary, and general election year shall be in accord with the following schedule:

(1) Beginning date for candidates filing statements of intention of candidacy, along with their Statement of Economic Interest with the chairman of the respective Florence County political party for nominations by convention or primary: twelve o'clock noon, March 16.

(2) Closing date for filing statements of intention of candidacy, along with their Statement of Economic Interest with the chairman of the respective Florence County political party for nominations by convention or primary: twelve o'clock noon, March 30. By noon, on the tenth (10<sup>th</sup>) day following the deadline for filing statements by candidates, the County Chairman of the respective political party shall file with the Florence County Election Commission written certification of the name and office sought of all candidates to be placed on the ballot of that political party and their

individual statement of intention of candidacy and verification by the political party County Chairman that each candidate certified meets or will meet by the time of the General Election the qualification for office for which the candidate has filed.

(3) Party conventions, if party nomination by convention: any day in the second full week of June.

(4) Political party primaries for nominating candidates shall be held at the regular polling places and conducted by the Florence County Election Commission in conjunction with the County and Statewide Primaries on the second Tuesday in June of each general election year during voting hours beginning at 7:00 a.m. and concluding at 7:00 p.m.

(5) Primary runoffs, if necessary: the Tuesday two weeks after the primary or the last runoff until candidate is chosen.

(6) Published notice by city of general election: at least sixty (60) days prior to election day, and a second notice shall be given no later than two weeks after the first notice.

(7) Closing date for petition candidates to file petitions, along with a Statement of Economic Interest, with the county election commission: twelve o'clock noon, on July 15 or, if July 15 falls on Saturday or Sunday, by twelve o'clock noon on the following Monday. The petition must bear the signatures of at least five (5%) percent of the qualified electors of the City of Florence.

(8) Last day for county election commission to validate petitions of petition candidates: twelve o'clock noon, on August 15 or, if August 15 falls on Saturday or Sunday, by twelve o'clock noon on the following Monday.

(9) Closing date for parties to file certification of party nominees with the county election commission: twelve o'clock noon, on August 15 or, if August 15 falls on Saturday or Sunday, by twelve o'clock noon on the following Monday.

(10) Election day: first Tuesday after first Monday in November in each even numbered year.

When any date prescribed herein falls on a Saturday, Sunday, or legal holiday, the determination of whether an alternate date is required or permitted shall be made in accord with the

general law of the state, but the selection of an alternate date shall not change the time of day requirements provided for herein.

(e) *Publication of Notice.* No later than March 1 of each municipal general election year, the municipal clerk shall cause to be published, in a newspaper of general circulation in the city, a schedule identifying the specific date for that year for the events contained in subsection (d) of this section. Said notice will specifically identify the offices scheduled for election during that particular year, and it shall contain the following language in all capital letters and bold print:

**NOTICE TO CANDIDATES AND POLITICAL ORGANIZATIONS: STATE STATUTES REGULATING CAMPAIGN PRACTICES APPLY TO MUNICIPAL ELECTIONS, AND FAILURE TO FILE STATEMENTS OF ECONOMIC INTEREST AT THE TIME OF FILING FOR NOMINATION AND OF FILING FOR ELECTION WILL RESULT IN DISQUALIFICATION.**

(f) *Special elections.* The above provisions shall not apply to a special election which may be required to fill the unexpired term of the mayor or any member of council because of resignation, death, disqualification, or any other cause requiring a special election to fill a vacant office of the mayor or any member of city council.

(f) *Election Commission.* Pursuant to the provisions of §5-15-145 of the Code of Laws of South Carolina, 1976, as amended, it is ordained by the City Council of the City of Florence that all authority for the conducting of primary and general municipal elections is hereby transferred to the Florence County Election Commission in the following particulars:

(1) The Florence County Election 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 within the City of Florence.

(2) Immediately upon the closing of the polls at any municipal election in the City of Florence, the Florence County Election Commission shall begin to count and continuously count the votes cast for each candidate for Mayor and Council Member, canvas the vote, and publicly display the unofficial results.

(3) The Florence County Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Florence City Council or an appointed authority representing the City Government as soon as practical following the certification.

(4) The Florence County Election Commission shall accept candidate filings and filing fees, including, but not limited to, notices of candidacy, candidacy pledges, and it shall hear and decide protests and certify the results of municipal elections.

(5) The Florence County Election Commission shall utilize an automated election system and computer counting with the count publicly conducted.

(6) Political party primaries for nominating candidates shall be held at the regular polling places and conducted by the Florence County Election Commission in conjunction with the County and Statewide Primaries on the second Tuesday in June, during voting hours beginning at 7:00a.m. and concluding at 7:00 p.m.

(h) *Filing fee.* The filing fee for the offices of Mayor and City Council to the City of Florence shall be \$0.

(i) *Determining Results of the Election.* During the years involving the election of the mayor and two at large council seat, the person receiving the highest number of votes for mayor shall be declared elected, and the two persons receiving the highest numbers of votes for the two (2) at-large council seats shall be declared elected. During the years involving the election of one (1) council member at large and three (3) council members from the districts, the person receiving the highest number of votes for the District 1 council seat, the person receiving the highest number of votes for the District 2 council seat, the person receiving the highest number of votes for the District 3 council seat, and the person receiving the highest number of votes for the at-large council seat, shall be declared elected. In the event of a tie, a runoff election shall be held two weeks following the General Election pursuant to §5-15-125 of the S. C. Code of Laws, 1976, as amended.

(j) *Reapportionment.* The city council shall within a reasonable period of time after each federal census reapportion the districts shown on the map, if necessary, after the census information is available to council in accordance with law.

(k) *Terms.* The mayor and council members shall be elected for terms of four (4) years.

(l) *Filling vacancies.* If any vacancy occurs in the city council and such vacancy be for an unexpired term of six (6) months or more, it shall be filled by a special election, but in case the vacancy is for a period of less than six (6) months, it shall be filled by an appointment made by a majority of council.

2. This ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**Approved as to form:**

\_\_\_\_\_  
**JAMES W. PETERSON, JR.**  
City Attorney

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**STEPHEN J. WUKELA**  
Mayor

**Attest:**

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**DIANNE M. ROWAN**  
Municipal Clerk