

Section 5-4. Qualified Electors. All electors of the town must meet the qualifications of residency and must be at least eighteen (18) years of age, and otherwise qualified to vote in South Carolina. The qualifying period of residency is thirty (30) days residence in the town. Proof of residency satisfactory to the Town shall be presented at the time of registration by any person seeking to vote in the town. (ref. Art. II, SC Const. §4, 5, §5-18 *infra*.)

(Sections 5 5-15, reserved.)

ARTICLE II - CANDIDATES

Section 5-16. Qualifications for Candidates. All qualified electors of the town may offer as candidates, compliant with the filing deadlines, fee requirements, and other requirements set forth herein and by the State of South Carolina and the Horry County Election Commission. In addition to being a qualified elector, a qualified candidate must have resided in the Town for 30 days prior to filing and must continue to reside in the Town at the time of election, and so certify upon request. (ref. §2-17, Town of Surfside Beach Code of Ordinances)

Section 5-17. Filing. Qualified individuals desiring to offer as candidates on the ballot in any regular or special election shall file with the Town of Surfside Beach by delivering a notice of candidacy, filing fee, and candidacy pledge in person at Town Hall to the Town Clerk or other designee of the Town Administrator not earlier than 90 days and not later than 60 days prior to the date of the election, primary or general. Candidates shall file statements and fees as required by law.

Section 5-18. Disclosure. Candidates shall comply with the South Carolina Code of Laws in regard to filing campaign disclosure forms and statements of economic interests. Elected officials, and town employees so required, shall file annual statements of economic interests pursuant hereto.

Section 5-18. Definition of Candidate. A candidate is an individual, qualified to offer as a candidate as described in this article, who has properly filed his or her candidacy for Town office with the Town Clerk for the Town of Surfside Beach, to be placed on the ballot by the Horry County Election Commission. (ref. Art. XVII, SC Const. §§4, 51; §7-13-351, SC Code of Laws; §2-17 Surfside Beach Code)

Notice of candidacy shall include the statement of candidacy which shall be signed by the candidate and in substantially the following form: *I hereby file notice that I am a candidate for election to the office of (Mayor or Town Council, as applicable) in the (regular or special, as applicable) election to be held on the ___ day of _____, 20___. I certify that I am or will be a qualified elector in the Town of Surfside Beach on the date of election, and meet the residency requirement, along with any additional authorizations or acknowledgements in compliance with State Law or deemed appropriate by the Town.* (ref. Art. II, §§3, 4, 5; XVIII1(A) Ch. 5 of Title 7, SC Code of Laws; §2-17, 5-4 Town of Surfside Beach Code of Ordinances)

Section 5-19. Appearance on Ballot. Candidates for the offices of Mayor or Town Council shall appear on the ballot compliant with this Article.

Appearance on the ballot by filing shall entitle the candidate to participation in Town-sponsored functions as candidates, if any.

Section 5-20. Write-In Voting. Nothing herein shall be interpreted to restrict any elector's right to write-in the name of an individual for whom he or she wishes to vote, or the right of any individual to seek to be written-in on a Town ballot on election day.

Should a write-in contender obtain a sufficient number of votes to be successful in the bid for election, his or her qualifications for candidacy and service shall be presented to the Horry County Election Commission for its determination of eligibility to serve.

(Sections 5 21-30, reserved)

ARTICLE III. – ELECTION PROCEDURE

Section 5-31. Method of Election. The Mayor and members of the Town Council shall be elected from the town at large.

Section 5-32. Election of Mayor and Council.

(a) General Election. The general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. The first town election to be held in an odd year will be held on Tuesday after the first Monday in November 2019, and thereafter in odd years and the 2019 election shall be for the office of mayor and three councilmembers. In the event of a tie vote for any office, a runoff election shall be held pursuant to SC Code 1976, §5-15-125 two (2) weeks following the general election.

(b) Term. The Mayor and members of Town Council shall be elected to four (4) year terms. Staggered terms shall be maintained by the election of three (3) members in each general election and the mayor every (4) years. So long as eligible under this Code and South Carolina Law, the Mayor and Council members elected serve a four year term. Upon certification of the election results, those elected shall be sworn in and assume the duties of their respective offices at the next December regular meeting of Town Council. Where the results are contested, the incumbent shall hold over until the contest is determined. No elected official may take the oath of office or enter upon his or her official responsibilities until filing a certified campaign report pursuant to §8-13-1300, et seq., SC Code of Laws.

To effect the change to elections in odd number years under this Article, the terms of office for councilmembers seated at the time of this ordinance shall be amended as follows:

(1) Members whose terms expire in May 2020 shall relinquish their seats at the December 10, 2019 regular meeting, when members-elect from the November 2019 election shall be seated.

(2) Members whose terms expire in May 2022 shall relinquish their seats at the December 14, 2021 regular meeting, when members-elect from the November 2021 election shall be seated.

(c) Continuing Qualification. During the term of office of the mayor or councilmember, he or she shall comply with all the requirements for public office in state law, this chapter, and section 2-17, Surfside Beach Code. Except where authorized by law, neither the mayor nor any member of council shall hold any other position of honor or profit in local, state or federal government or any other municipal office or municipal employment. The mayor or any council member shall forfeit his office if he or she:

(1) Lacks at any time during his or her term of office any qualification for office prescribed by ordinance or the general law and constitution of the state; or

(2) Violates any express prohibition of SC Code 1976, §§ 5-1-10 through 5-17-30. SC Code.

The Town Council shall be the judge of the qualifications of its members and grounds for forfeiture of office. (ref. §5-7-210, SC Code of Laws.)

Section 5-33. Determining Results.

(a) Majority Vote Required. Except as otherwise provided in this chapter, results in nonpartisan town elections shall be determined by a majority of the votes cast. A majority shall be determined as follows: 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.

(b) Runoff Elections. If no candidate for a single office receives a majority of the votes cast in the first election, a runoff election shall be held. This runoff shall be a second election, conducted pursuant to SC Code 1976, § 5-15-62 two (2) weeks after the general or special election if necessary, between the two candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected. (ref. §5-3, Surfside Beach Code)

(c) Declaration of Results. Where the results have been certified by the Horry County Election Commission, the Town shall make the results available to the public not later than three (3) days following the election.

Section 5-34. Special Elections. A Special Election may be required to fill the unexpired term of the mayor or any member of Town Council because of resignation, death, disqualification or any other cause requiring a special election to fill a vacant office. Any unexpired term of an elected official shall be filled by special election, except when less than six months is left of the elected official's term. Special elections shall be held on the first Tuesday after the first Monday in November or at such times as further set by ordinance, compliant with the sixty-day notice requirement in state law.

Filing for special elections shall be opened as soon as it is determined a special election is required and the election date established. Candidates shall appear in person in the office of the Town Clerk and must file not later than 12:00 noon forty-five (45) days prior to the Special Election. (ref. §5-15-50; §7-13-190, SC Code of Laws)

Section 5-35. Precincts. There shall be voting precincts as established by the Horry County Election Commission. The precinct lines defining the precincts are shown on maps filed with the Horry County Election Commission, Clerk of Court, and State Election Commission. The polling places shall be open from 7:00 a.m. to 7:00 p.m. (ref. §8-7-320(B); §7-7-320(C), SC Code of Laws)

(Secs. 5-36—5-50. – Reserved)

ARTICLE IV. ADMINISTRATION.

Section 5-51. County Election Commission. The Town of Surfside Beach, pursuant to Agreement with the Horry County Election Commission approved by Town Council and County Council, delegates the following authority and responsibilities:

(a) The Town shall pay 100% of the costs of including its municipal contests on ballots in general and special elections conducted by the Horry County Election Commission for filling the Town's elected offices and/or answering ballot questions.

(b) The Town will retain the authority to administer the filing process, including but not limited to collection of fees, proof of residency, and required documents and reports for regular and special

election candidates for office in the Town of Surfside Beach and shall certify same to the Horry County Election Commission.

(c) The Horry County Election Commission will advertise the Town's municipal elections in accordance with this chapter, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct municipal elections within the Town of Surfside Beach.

(d) Upon the closing of the polls at any municipal election in the Town of Surfside Beach, the Horry County Election Commission shall count votes cast for each candidate for mayor and council member and publicly display the unofficial results.

(e) The Horry County Election Commission shall determine the validity of any challenged or provisional ballots in accordance with §7-13-830 of the S.C. Code of Laws, for the general election and runoff election.

(f) The Horry County Election Commission shall hear and decide protests, if any, and certify the results of the elections and transmit the certified results to the Town Administrator and Clerk to Town Council as soon as practical following the certification.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon second reading by the Mayor and Town Council of the Town of Surfside Beach.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 26th day of February 2019.

Signatures on page 6.

Surfside Beach Town Council

VOTE:	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Robert F. Childs, III, Mayor
	<input type="checkbox"/>	<input type="checkbox"/>	_____ David L. Pellegrino, Mayor Pro Tempore
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Bruce H. Dietrich, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Mark L. Johnson, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Ron Ott, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Debbie Scoles, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____ Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk

