

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
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AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
TO AMEND CHAPTER 5, ELECTIONS OF THE CODE OF
ORDINANCES FOR THE TOWN OF SURFSIDE BEACH,
SOUTH CAROLINA
DATE

WHEREAS, pursuant to its authority, the Town Council of the Town of Surfside Beach, in council duly assembled, is authorized to amend the Surfside Beach Code; and

WHEREAS, the Town Council desires to amend certain sections of the Surfside Beach Code relating to its authority to conduct elections; and

WHEREAS, the Town Council desires to implement the nonpartisan plurality form of elections pursuant to SC Code 5-5-61; and

WHEREAS, the Town Council desires to update and modify other language for clarification purposes.

NOW, THEREFORE, Town Council desires to amend Chapter 5 – ELECTIONS of the Code of Ordinances of the Town of Surfside Beach, South Carolina as follows. For convenience only, Exhibit A attached hereto is a redlined copy of Chapter 5.

- 1. **Chapter 5, Article I, Section 5-1** shall be modified to read as follows:

Pursuant to S.C., Code of Laws, § 5-15-145, as amended, and in accordance with ordinance #21-0926 as approved by Horry County Council, the Town of Surfside Beach (hereinafter referred to as "Town") transfers its authority to conduct municipal elections to the Horry County Election Commission.
- 2. **Chapter 5 – throughout** – capitalize the term "town" when in reference to the Town of Surfside Beach, and replace "Town of Surfside Beach" with "Town" wherever it occurs.
- 3. **Chapter 5, Article I, Section 5-3** shall be modified to replace "run off method as provided in this chapter and in SC Code of Laws, § 5-15-62" with "plurality method as provided in this chapter and in SC Code of Laws, § 5-15-61."
- 4. **Chapter 3, Article 1, Section 5-4**, the final sentence shall be modified to read as follows"

"Proof of residency satisfactory to the Town shall be presented at the time of registration by any person seeking to be a candidate in the Town election."

5. Chapter 5, Article III, Section 5-32 shall be replaced in its entirety to read as follows:

(a) General election. The general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. In the event of a tie vote for any office, a runoff election shall be held pursuant to S.C. Code 1976, § 5-15-125.

(b) Term. So long as eligible under this Code and South Carolina Law, 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) town council members in each general election and the mayor every (4) years. Upon certification of the election results, those elected shall be sworn in and assume the duties of their respective offices at the next regular scheduled 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 S.C. Code of Laws, § 8-13-1300, et seq.

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 article shall be amended as follows:

(1) Members whose terms expire in May 2020 shall relinquish their seats when members-elect from the November 2019 election are seated.

(2) Members whose terms expire in May 2022 shall relinquish their seats when members-elect from the November 2021 election are seated.

(c) Continuing qualification. During the term of office of the mayor or town council member, he or she shall comply with all the requirements for public office in state law, this chapter, and section 2-17, Town Code of Ordinances. Except where authorized by law, neither the mayor nor any member of town 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 town 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 S.C. Code 1976, §§ 5-1-10 through 5-17-30.

The town council shall be the judge of the qualifications of its members and grounds for forfeiture of office.

6. Chapter 5, Article III, Section 5-33(a) shall be modified to read as follows:

(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 (1) person is seeking election to a single office, the candidate that receives the highest number of votes shall be declared elected.

7. Chapter 5, Article III, Section 5-33(b) shall be deleted in its entirety and annotated as "Reserved."

8. Chapter 5, Article III, Section 5-34, the first paragraph shall be modified to read as follows:

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 greater than six (6) months shall be filled by special election. Special elections shall be held promptly following the sixty (60) day notice requirement in state law.

9. Chapter 5, Article IV, Section 5-51(b) shall be clarified to replace "proof of residency" with "verification of proof of residency."

10. Chapter 5, Article IV, Section 5-51(3) shall be modified to replace "run off" with "special."

11. Chapter 5, Article IV, Section 5-51(f) shall be clarified to replace "clerk to town council" with "town clerk to be shared with town council."

12. SEVERABILITY. If any provision, clause, sentence, or paragraph of this amendment or the application thereof shall be held invalid, that invalidity shall not affect the other provisions of this ordinance, 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.

13. EFFECTIVE DATE. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly this ___ day of _____ 2021.

Surfside Beach Town Council

Bob Hellyer, Mayor

Debbie Scoles, Pro Tempore

Bruce H. Dietrich, Town Council

Michael Drake, Town Council

Paul Holder, Town Council

Cindy Keating, Town Council

David Pellegrino, Town Council

Attest:

Sheri Medina, Town Clerk

Exhibit A