

SOUTH CAROLINA
ELECTION COMMISSION

Municipal Elections

Chris Whitmire
Director of Public Information & Training

EVERY VOTE MATTERS
EVERY VOTE COUNTS.

SOUTH CAROLINA
ELECTION COMMISSION

Municipal Election Commissions

- S.C. Code 5-15-90
- 3 members, must be electors
- 6 year terms, 1 member up every 2 years
- Appointed by council
- Political activity not allowed
 - Cannot participate in campaign
 - Cannot contribute \$ or attend fundraiser

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Training & Certification

- MEC and “staff” must complete certification program within 18 months
- 3 classes required
 - Duties of MEC (online)
 - Poll Manager Training (online)
 - Protests (in person)
 - Protest Hearings classes announced through MASC weekly email blast
 - Online protest class planned for 2016

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Training & Certification

- Clerk emails for usernames/passwords: elections@elections.sc.gov
- MEC Resources at scVOTES.org, under "General" in menu
 - Link to MEC Handbook
 - T&C Program Requirements
 - Class Registration Form

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MEC Duties

- Publish election notices
- Conduct candidate filing
- Determine candidate qualifications
- Provide and training poll managers
- Provide ABS ballots to county board
- Provide ballots for election day
- Provide VR list for election day

EVERY VOTE MATTERS
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MEC Duties

- Supervise overall conduct of elections
- Conduct provisional ballot hearings
- Certify results of elections
- Conduct protest hearings and decide protests
- Conduct special elections

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Transfer of Election Authority

- S.C. Code 7-15-145
- City & county governing bodies pass ordinance transferring/accepting authority
- Sets terms for transfer, identifies duties being transferred
- If total responsibility is transferred, MEC is abolished

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Election Notices

- 2 notices required for all elections
- Published in newspaper of general circulation in municipality
- First notice published no later than 60 days before election
- Second notice published exactly 2 weeks after first notice
- Best practice to publish 90 days out

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Election Notices

- Notices must contain:
 - Date of election
 - Last date to register to vote
 - Precincts and polling places involved
 - Date, time, location of provisional ballot hearing
 - Date, time, location of opening ABS ballots
- Best practice to include filing information

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Candidate Filing

- Council may determine method of filing by ordinance
 - Statement of Intention of Candidacy (SIC), or
 - Petition
- Council may set filing fee and filing period by ordinance
- Must determine location of filing
 - Most file with clerk

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Candidate Filing

Deadlines:

- SIC: No candidate may file later than 60 days prior to GE
 - Municipality can set earlier deadline or filing period by ordinance
- Petitions due 75 days prior to GE
- Special Election deadlines are 45 days (SIC), 60 days (petition)

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Candidate Filing

- Clerk no longer required to collect Statement of Economic Interests (SEI) or confirm filing of SEI
- Clerk should remind candidates of requirement to file online with State Ethics Commission
- <http://ethics.sc.gov>

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Candidate Qualifications

- MEC or CEC determines whether qualified
- Candidate must be qualified on election day
- Must reside in municipality for 30 days
- Must be registered voter, Age 18
- Age 18
- Persons convicted of felony or specific offenses against elections laws not qualified until:
 - 15 years after completion of sentence, or pardoned

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Poll Manager Training

- MEC must ensure poll managers are trained before every election
- MEC must ensure poll managers are provided with updated materials:
 - PM Handbook
 - Provisional Ballot Envelope/Hearing Notice
 - VR List, Poll List, Ballots, Ballot Boxes
 - Posters, Pens, Pencils, Other Supplies

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Photo ID

- Voters must provide Photo ID to vote in person:
 - S.C. Driver's License
 - S.C. ID Card issued by DMV
 - S.C. Voter Registration Card with photo
 - Military ID issued by the Federal Government, including VA Benefits Card
 - U.S. Passport

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If voter has qualifying Photo ID

- They are ready to vote
- They do not need to obtain a voter registration card with a photo
- They should remember to bring one of the photo IDs to their polling place
- Also applies to in-person absentee voting

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If voter does not have qualifying Photo ID

- Should get one before going to the polls to vote
- DMV IDs are now free
- Photo VR Cards are free from county voter registration office
 - “Verbal” ID required
 - Name, DOB, Last four digits of SSN

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Paper VR Card with Photo

This card must be used in conjunction with the attached notification of registration to be used as a voter registration card with photo. To use as a photo ID, DO NOT DETACH STUB.

| | | | | |
|------|-------|-------|--------|--------|
| City | State | House | County | School |
| 02 | 24 | 084 | 04 | 03 |

STATE OF S.C. VOTER REGISTRATION NOTIFICATION
 COUNTY: Aiken
 PRECINCT: Candies 1th 10
 REG. NO: 024066178
 REG. DATE: 2/3/2010
 Dutch, Yolanda S
 2106 Todd Ave
 North Augusta, SC 29641

SIGNATURE OF ELECTOR
 FOLD HERE

SEX: Female RACE: Black/AA DOB: 3/3/1978

VOTE AT:
 Aiken Legion Post 212
 4010 Broadway Drive

COUNTY / STATE ELECTION OFFICIAL

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Plastic VR Card with Photo

S.C. Voter Identification Card

NAME: Allison Jones

REG. NO: 321234567



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If Voter Forgets Photo ID

- If a voter has a Photo ID but forgets to bring it to the polls, he has two options:
 - Retrieve their Photo ID and return to vote
 - Vote a provisional ballot that will NOT count UNLESS they show their photo ID to the election commission by the time of the provisional ballot hearing
- MEC must have system in place to record who has provided Photo ID

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If Voter Does Not Have Photo ID

- If a voter does not have a photo ID due to some obstacle, they may vote a provisional ballot after:
 - Showing their paper voter registration card without a photo (old card), and
 - Signing an affidavit attesting to their identity and impediment

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Who Determines Reasonableness?

- Voter may claim any obstacle he finds reasonable, as long as it is true
- Only the voter determines what is reasonable
- Poll Managers and other election officials do not determine the reasonableness of the claimed impediment

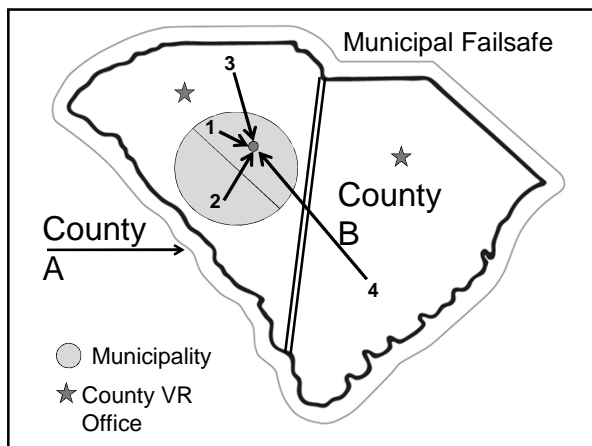
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Reasonable Impediments

- Ballot will count if voter provides Photo ID prior to certification of the election
- Reasonable Impediment ballots will count unless someone proves the affidavit is false
- Would have to prove voter lied about:
 - His identity, or
 - About having the impediment

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Municipal Failsafe

- **Additional Rule:** Must have resided in municipality for at least 30 days
- 1. Move inside city, inside precinct
 - update address
 - vote regular ballot
- 2. Move inside city, precinct to precinct
 - limited failsafe at previous precinct
 - full failsafe at VR office

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Municipal Failsafe

- 3. From outside municipality, within county
 - must ask when voter moved
 - If within 30 days, voter may not vote (did not meet 30-day residency requirement)
 - if outside 30 days, failsafe applies
 - Only option is to vote full ballot at VR office (no election at previous precinct)
- 4. From outside municipality, outside county
 - Voter may not vote
 - Date of move is insignificant

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Certification

- PMs report results to MEC within 24 hrs
- Must meet at date/time/place in notice (not later than 3 days following election)
- All results (except provisionals must have been tabulated prior to hearing)
- Provisional Ballot Hearing conducted first, votes added before certification
- After certification, results official

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Provisional Ballot Hearing

- Failsafe Provisional Ballots – Once change of address is confirmed, CEC must verify voter voted “failsafe” ballot with correct offices.
- Voter did not bring Photo ID - Ballots must be counted if the voter has shown Photo ID to CEC
- Voter has no Photo ID (Reasonable Impediment) – Must be counted if voter signed affidavit and no one presents evidence to prove voter lied about identity or having listed impediment to obtaining Photo ID

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Provisional Ballot Hearing

- Read aloud name of voter, ask if the voter, challenger or witness is present.
- If no challenger, CEC examines envelope (or log) to determine if there is reason for an administrative challenge.
- If no challenger, ballot is no longer provisional, and must be counted.
- Ballot is removed from envelope and comingled with other ballots found to be valid.

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Provisional Ballot Hearing

- If challenger present, challenger goes first
- Voter (if present) goes second
- May present evidence, be represented by atty.
- MEC may ask questions
- MEC must vote in public on each ballot
- If MEC declares ballot invalid, ballot must remain in envelope and retained
- MEC decisions on provisionals are final

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Determining Mandatory Recounts

- Recount is mandatory if:
- Difference between winning candidate and losing candidate is 1 % or less
- In a multiple seats to fill election, difference between the lowest of the winners and highest of the losers is 1% or less
- Difference between yes and no is 1% or less
- Recounts apply to offices, not elections
- Recount can be waived by candidate in writing

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Determining Majority/Runoffs

- Applies to some municipal elections
- One seat to fill - Candidate has a majority if votes for candidate are greater than:
 $(\text{Votes Cast for Office}) \div 2$
- If no candidate has majority, runoff between two candidates remaining with most votes
- If dividend is fraction, don't round up
- No write-ins in runoffs

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Determining Majority/Runoffs

- Multiple Seats to Fill - Candidate has a majority if votes for candidate are greater than:
 $(\text{Votes Cast}) \div (\text{Seats to Fill}) \div 2$
- Ex: 5 candidates for 3 seats on town council
- Candidate A – 60 votes
- Candidate B – 55 votes
- Candidate C – 45 votes
- Candidate D – 30 votes
- Candidate E – 20 votes

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Determining Majority/Runoffs

- Divide total votes cast (210) by seats to fill (3)
- $210 \div 3 = 70$
- Then divide by 2
- $70 \div 2 = 35$
- Any number in excess of 35 is majority
- A, B, C all have majorities and win 3 seats
- Not enough candidates with majority
- More than enough candidates with majority

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Certification Summary

1. Motion on provisionals (if necessary)
2. Update results (if necessary)
3. Motion to certify results
4. Motion to call for recount (if necessary)
5. Conduct recount (if necessary)
6. Motion to certify recount (if necessary)
7. Motion to call for runoff (if necessary)

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Protests

- Heard by MEC or CEC
- Rules don't change if heard by CEC
- Protest deadline is 48 hours after polls close (7 p.m. on Thursday)
- Only candidates have standing to protest
- Protest must be in writing and contain concisely stated grounds

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Special Elections

- Special election not necessary if vacancy occurs within 180 days of regular election
- SC Code 5-15-70 (filing)
- 7-13-190 (dates)
- SIC: 45 day minimum deadlines
- Petition: 60 day deadline
- Special Election on 13th Tuesday

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Special Elections

- Special Elections require 2 election notices
 - Deadline to publish first notice is 60 days
 - Publish second notice two weeks after first
- Cancelling municipal elections
 - SC Code 7-13-190(E)
 - If 14 calendar days has passed since close of filing
 - If only one candidate has filed
 - If no write-in candidate has declared
 - Then candidate must be declared winner

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Questions?

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(803) 734-9070

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