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Successfully Conducting Local Elections

Municipal Clerks and Treasurers Institute
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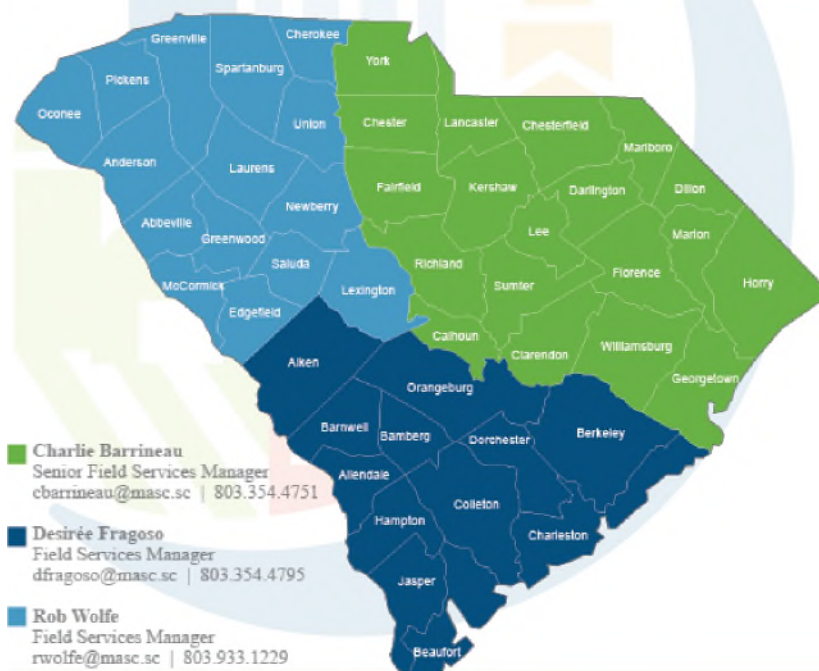
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Field Services Managers



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Municipal Trivia!

Which South Carolina city earned the nickname "The Electric City" after the first successful long-distance transmission of electricity in the South?



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Municipal Elections and the Clerk

- Municipal Elections don't "just happen"
- Clerks make the process work
- Your work protects local democracy
- Closest elections to the people
- Low turnout, but high impact
- Decides services residents rely on daily



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Municipal Elections and the Clerk

- Municipal elections governed by state law and local ordinances
- Clerk plays important role in both models
 - Institutional knowledge
 - Maintains records, notices, deadlines
 - Supports MEC or County Election Commission
 - Ensures transparency and compliance



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Municipal Elections and the Clerk

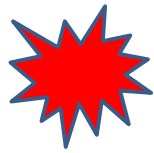
- Complex laws and strict timelines
- High expectations from the public and elected officials
- This session is aimed to help to
 - Provide clarity
 - Build confidence
 - Strengthen election administration in your town



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Municipal Elections

- State law provides that each municipality shall provide for the election of its council by ordinance (Title 5, Chapter 15)
- Elections shall be conducted pursuant to Title 7 (the general election law) except as otherwise provided.



H3556, Act 213 — Election dates, partisan elections, election commissions and swearing-in dates



H3557, Act 137 – Filing periods, limitations on special election scheduling



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New Election Law - ACT 213

- H. 3556 passed during the 2026 legislative session
- Standardizes municipal election dates
- Limits in partisan municipal elections
- Changes to Municipal Election Commissions
- New rules for swearing in elected officials
- Process for election protests and contests
- Effective January 2027



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ACT 213 – Municipal Election Dates

- All municipalities must hold municipal elections on either the first Tuesday after the first Monday in April or November of odd-numbered years.
- **EXCEPT** - Municipalities that held their most recent election on the first Tuesday after the first Monday in April or November of even-numbered years, may keep those dates.
- If council does not select before April 1, 2027, the election date will default to the first Tuesday after the first Monday in November of odd-numbered years.



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ACT 213 – Partisan Elections

- Municipalities with population of 39,000 or more can no longer conduct partisan municipal elections.
 - City of Florence
 - City of Greenville
- Candidates will run on a non-partisan basis.



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ACT 213 – Municipal Election Commissions

- Municipal Election Commissions will now be limited to municipalities with populations of at least 10,000 or more based on the 2020 Census.
- Existing commissions in smaller municipalities will be abolished effective January 1, 2027.
- County Election Commissions will conduct and certify those municipal elections.
- Adopt ordinance formally abolishing MEC and transferring authority to County.
- Municipalities must reimburse counties for “reasonable costs” for running elections.



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ACT 213 – Swearing In

- Terms may begin between 48 hours and 80 days after the election.
- If local ordinance is silent, default start date will be the beginning of the first council meeting in the month following election.
- Certified election winners can serve while election appeals are pending.



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Benefits of Uniform Election Dates

- Greater voter awareness of the date of their municipal election.
- More media coverage of municipal elections as the date becomes a statewide election day.
- Potential for high voter turnout.
- Improved voter education on the process, issues, and candidates.
- Cost savings
- Simplifies required training of election officials.



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New Election Law - ACT 137

- Filing period for partisan and non partisan special elections have been shortened to 7 days.
- Eliminates special elections when a regularly scheduled election for the same office will take place within 100 days
- Elections to fill vacancies may only be held in one of the following dates:
 - The fourth Tuesday in January
 - The first Tuesday after the first Monday in April
 - The second Tuesday in June in even-numbered years only, and for only primaries for special elections
 - The fourth Tuesday in August
 - The first Tuesday after the first Monday in November, for only those elections other than primaries for special elections



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Elections Ordinance

The framework must comply with state law and provides specific details:

- number of councilmembers,
- method of representation,
- terms of office,
- staggering,
- method of nomination and determining results,
- election date and term commencement date,
- method of filing, and
- filing period and fees.



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Number of Council Members

Mayor-Council FOG:

- 132 cities and towns use this form; a mayor and no less than four councilmembers.

Council FOG:

- 103 cities and towns use this form; five, seven, or nine councilmembers including the mayor.

Council-Manager FOG:

- 36 cities and towns use this form; has the mayor and four, six, or eight councilmembers.



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Method of Representation

- Provided for by ordinance and may be changed only by referendum:
 - (1) members elected at-large,
 - (2) single-member wards/districts,
 - (3) some elected from wards and remainder at-large,
 - (4) required to be residents of particular wards but elected at-large, or
 - (5) some members required to be residents of particular wards, others not, all elected at-large.
- **Mayor is always elected at-large.**



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Method of Representation

By the Numbers:

200 At-Large
46 Single-Member Wards
16 Combination
9 Ward Residency / At-Large Voting



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Changing Number & Method of Election

- Election required to change the number of council members and/or method of election.
- May be initiated by ordinance or by petition signed by 15% of qualified electors.
- Only one question may be framed by the municipal governing body for the referendum.
- Must be held within 30 to 90 days after certification of petition by MEC.
- Referendum may not held again for two years.



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Municipal Ward Lines

- Established by ordinance and may be altered by ordinance
- Why redistrict?
 - 14th Amendment Equal Protection Clause
 - Malapportionment
 - One Person, One Vote
- 2020 Census Impact



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Terms of Office & Staggering

- Mayor and council may serve a term of either two years or four years.
- Two-year terms may not be staggered.
- Four-year terms must be staggered unless otherwise provided by ordinance.
- Terms established by ordinance and may be altered by council by ordinance.
- Consider ethics questions for extending a term.



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Method of Nomination

- Municipal elections may be partisan or nonpartisan.
- Established and changed by ordinance.
- Currently, there are 6 cities which hold partisan elections: Aiken, Florence, Georgetown, Greenville, New Ellenton, and North Augusta.
- Effective January 1, 2027, only 4 will be able to hold partisan elections



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Method of Nomination And Determining Results

- Nonpartisan elections:
 - 1) plurality,
 - 2) majority and runoff, or
 - 3) primary and general election.
- Partisan elections:
 - 1) party primary,
 - 2) party convention, or
 - 3) petition.



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Method of Nomination And Determining Results

By the Numbers:

135	Non Partisan Plurality
130	Non Partisan Majority Run-Off
6	Partisan



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Determining Majority / Runoffs

- Many cities and towns require a majority and runoff.
- One seat to fill - Candidate has a majority if votes for candidate are greater than:
$$(\text{Votes Cast for Office}) \div 2$$
- If dividend is fraction, don't round up or down.
- If no candidate has majority, runoff between two remaining candidates with most votes.
- 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



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Determining Majority / Runoffs

- If not enough candidates receive a majority vote, then a runoff is held.
- The number of candidates in the runoff is one more than the number of seats which remain to be filled.
- Those with a plurality win the runoff election. A majority is not required.



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Method of Candidate Filing

- Council must determine method of filing by ordinance: either statement of intention of candidacy (SIC) or petition.
- Council must set filing fee and filing period by ordinance (fee necessitates public hearing).
- 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 general election.
 - Municipality can set earlier deadline or filing period by ordinance.
- Petitions due no less than 75 days prior to general election.
- Special Election candidate filing deadline shortened to 7 days



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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

- Must reside in municipality for 30 days.
- Must be registered voter.
- Must be age 18 or older.
- Felony conviction or specific offenses against elections laws disqualify individual unless 15 years since completion of sentence or pardoned.
- MEC or CEC determines whether qualified.
- Candidate must be qualified on election day.



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Cancellation of Municipal Elections

- State law used to allow a municipality to cancel a general or special election if only one candidate filed for each office, under SC Code § 7-13-190(E).
- However, that is no longer the case as of January 1, 2018.
- Municipal elections are **ALWAYS** required.
- This has created a few challenges recently, particularly with municipalities that run their own elections but rarely had candidate opposition.



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Municipal Election Commissions



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Municipal Election Commissions

- No longer allowed in municipalities with a population of 10,000 or less.
- Three members, must be electors.
- Appointed by council to six year staggered terms, one member up every two years.
- Political activity not allowed for a “campaign over whose election the member has jurisdiction,” SC Code § 7-13-75.
 - Cannot participate in campaign.
 - Cannot contribute money or attend fundraiser.



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Training & Certification

- MEC and “staff” must complete certification program within 18 months of initial appointment or reappointment after break in service.
- 3 classes required; all are available online:
 - Duties of MEC
 - Poll manager training
 - Protest hearings



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Duties of the MEC

- Publish election notices
- Appoint and train poll managers
- Provide information to the county election commission for preparing voting machines and equipment
- Distribute ballots
- Oversee ballot tabulation
- Certify candidates and election results
- Hear protests



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Transfer of Election Authority

- S.C. Code 7-15-145.
- Now required for municipalities with a population of 10,000 or less
- City & County Councils pass ordinance transferring and accepting authority
- County Board plays role of MEC – responsible for conducting and certifying municipal elections.
- Municipalities must reimburse “reasonable costs”



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Benefits of Transferring Authority to County

- Municipal elections must always be held, even when uncontested.
- All elections must utilize the state's approved voting system, including municipal elections. No more paper ballots.
- Difficult to find volunteers to serve and meet training requirements.
- Poorly managed elections creates liability and negative public opinion.
- Administering elections is a core competency of county election offices.
- Potential cost savings



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Questions From the Field

- What if you fail to hold election?
- How do you certify election results if you have no MEC and haven't transferred that duty to CEC?
- What is "residency"? Can a non-resident file for election and/or hold office?
- Can you challenge a voter's or candidate's residency and to whom?
- Can I run for a council seat and for mayor in the same election?
- What if the check bounces?



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Questions From the Field

- Can you combine precincts for a municipal election?
- Can you withdraw and, if so, what happens if the ballot has already been finalized?
- What happens if no one runs and there are no write-ins or write-ins won't accept office?
- What if write-in receives more votes than a candidate but chooses not to accept office?
- Can I (or the municipality) promote a ballot measure?



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Role of the Clerk - Summary

- Maintains record of election ordinance
- Tracks deadlines and ensure compliance with state law
- Coordinates with MEC or County Board of Elections
- Publishes election notices
- Accepts candidate filing forms and fees
- Verifies basic qualifications
- Supports MEC, ensures members receive training
- Updates town's councilmembers roster and administers oath of office



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Resources

S.C. Election Commission

www.scvotes.org

Municipal Association of South Carolina

www.masc.sc

Keyword: *elections*

Special thanks to the SC Election Commission for furnishing much of the information and data referenced in this presentation.



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Questions?



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