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CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070

CITY COUNCIL SPECIAL REGULAR MEETING AGENDA
October 3, 2023

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

SPECIAL MEETING - Council Chambers, 2nd Floor - 5:00 PM

Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting at the City's page; City Beaufort SC

I. CALL TO ORDER

A. Michael A. McFee, Acting Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. OLD BUSINESS

A. Ordinance amending Part 1, Chapter 8, Section 1-8004 of the City of Beaufort Code of Ordinances on Elections - 2nd reading

IV. NEW BUSINESS

A. Resolution to affirm the Beaufort County Board of Voter Registration and Elections as the agent for conducting a special election for the office of Mayor

V. ADJOURN



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/26/2023
FROM: Scott Marshall, City Manager
AGENDA ITEM TITLE: Ordinance amending Part 1, Chapter 8, Section 1-8004 of the City of Beaufort Code of Ordinances on Elections - 2nd reading
MEETING DATE: 10/3/2023
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Stephen Murray resigned from office on Friday, September 15, 2023, creating a vacancy in the office of Mayor. This vacancy to fill the remainder of the mayor's term must be filled via special election, in accordance with the South Carolina Code of Laws. In absence of this unexpected vacancy, the office of Mayor would next be on the ballot in November, 2024.

The date of the special election is fixed by state statute and must be set for the thirteenth Tuesday following the date the vacancy occurred, which in this case is December 12, 2023. Filing must open at 12:00 noon on the third Friday following the vacancy and must close 10 days later at 12:00 noon. In this case, filing must open on October 6 and must close on October 16.

For previous municipal elections the City of Beaufort enacted an ordinance for each election which specified pertinent details and requirements regarding the election, to include filing periods, election date and filing fees, among other details.

Currently, filing fees are not found in the City of Beaufort Code of Ordinances, nor are they included in the FY24 Consolidated Annual Budget.

Since all requisite election dates are codified in the SC Code of Laws, enacting a municipal ordinance for each election is redundant and unnecessary, with the exception of specifying filing fees.

A municipal ordinance is necessary to conduct this special election which must be held on December 12. However, to save from enacting an ordinance for all subsequent elections, Council is being asked to consider an ordinance to amend applicable sections of the City of Beaufort Code of Ordinances, which will apply to all subsequent municipal elections. These amendments will also include a filing fee, which may be amended from time to time as Council deems necessary.

PLACED ON AGENDA FOR: Action

REMARKS:

The ordinance presented for consideration establishes a City of Beaufort Election process that aligns with requirements mandated by the SC Code of Laws, while also establishing filing fees.

First reading was held on September 26, 2023.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/26/2023
Exhibit A	Backup Material	9/26/2023

ORDINANCE

AMENDING PART 1, CHAPTER 8, SECTION 1-8004 OF THE CODE OF ORDINANCES, CITY OF BEAUFORT, SOUTH CAROLINA TO ESTABLISH MUNICIPAL ELECTION PROCEDURES AND SET FILING FEES RELATED THERETO

WHEREAS, prior to each City election, it has been the practice of the City to adopt an ordinance setting the election, related dates, and filing fees for such election; and

WHEREAS, Title 5 and Title 7 of the 1976 South Carolina Code of Laws contains specific language specifying requirements for all aspects of election, to include but not limited to conditions for candidacy, voter qualifications, filing deadlines, timing of elections and certification of election results; and

WHEREAS, the City of Beaufort desires to codify municipal election requirements in lieu of enacting a new ordinance for every municipal election; and

WHEREAS, the City of Beaufort further wishes to establish and codify filing fees for the offices of City Council and Mayor; and

WHEREAS, any and all codified municipal election requirements should align with statutory requirements mandated by applicable sections of Title 5 and Title 7 of the 1976 South Carolina Code of Laws; and

WHEREAS, it is the desire of City Council to amend The City of Beaufort Code of Ordinances to permanently codify municipal election requirements to align with the 1976 South Carolina Code of Laws, and to establish filing fees.

NOW THEREFORE, be it Ordained by the Beaufort City Council, in council duly assembled, and by the authority of the same, that Section 1-8004 of the Code of Ordinances, City of Beaufort, South Carolina, is hereby amended to read as shown on Exhibit A, hereto.

Michael A. McFee, Acting Mayor

Attest

Traci Guldner, City Clerk

First Reading and adoption: September 26, 2023

Second Reading and adoption: _____

Approved in Form: Benjamin T. Coppage

- CODE
Part 1 - GOVERNMENT AND ADMINISTRATION
CHAPTER 8. ELECTIONS

CHAPTER 8. ELECTIONS

Sec. 1-8001. Terms of office.

- (a) The mayor and council members shall be elected for a term of four (4) years.
- (b) The term of office of council members shall be staggered, so that one-half (½) of the council members shall be elected every two (2) years.

Sec. 1-8002. Method of election.

- (a) The mayor shall be elected by the city at large.
- (b) The members of council shall be elected by the city at large.

Sec. 1-8003. Reserved.

Editor's note(s)—Ord. No. O-13-22, § 3, adopted May 24, 2022, repealed § 1-8003, which pertained to election commission and derived from the Prior Code.

Sec. 1-8004. Nonpartisan elections; procedure.

- (a) All regular and special elections for the offices of mayor and council shall be nonpartisan elections pursuant to state law.
- (b) Each person offering as a candidate for election to any municipal office to be voted on at the time of the general election shall file a statement of candidacy with the ~~city Clerk's Office election commission~~ not later than noon on August 15 prior to the general election, or, if August 15 falls on a Saturday or Sunday, not later than noon on the following Monday.

In odd-numbered years, or when there is no general election, each person offering as a candidate for election to any municipal office shall file a statement of candidacy with the ~~city Clerk's Office election commission~~ by noon on the date sixty (60) days prior to the date of the election.

~~For special elections to fill vacancies in office, the time for filing of statements of candidacy to the city Clerk's Office shall be opened at noon on the third Friday after the vacancy occurs for a period to close ten days later at noon. Each person offering as a candidate for election to any municipal office shall file a statement of candidacy with the election commission by noon on the date forty-five (45) days prior to the election. The special election must be set for the thirteenth Tuesday after the vacancy occurs. If the thirteenth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election must be held on the same day as the general election. If the filing period closes on a state holiday, then filing must be held open through the succeeding weekday. If the date for an election falls on a state holiday, the election must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.~~

In each instance, the statement of candidacy shall be in writing, 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/Council member in the regular/special municipal election to be held _____, 20___. I certify that I am a qualified elector and resident of the municipality for which I seek election."

No political affiliation shall be placed on the ballot for any candidate for election to any municipal office in the city.

(c) Persons offering as a candidate for election to the office of mayor or council member shall pay the following filing fee at the time of filing a statement of candidacy:

(1) Candidates for mayor: two hundred fifty dollars (\$250.00).

(2) Candidates for council: one hundred fifty dollars (\$150.00).

(d) Election results shall be determined by the plurality method. When more than one (1) person is seeking election to a single office, the candidates who receive the highest number of votes shall be declared elected. When more persons are seeking election to two (2) or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared elected.

(e) The Board of Voter Registration and Elections of Beaufort County shall conduct municipal elections in the City of Beaufort in accordance with Title 5 and Title 7 of the South Carolina Code of Laws, and the Code of Ordinances for the City of Beaufort. The Board of Voter Registration and Elections of Beaufort County will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.

The City of Beaufort shall reimburse the Board of Voter Registration and Elections of Beaufort County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Beaufort. Poll Managers will be paid at the standard rate set by the State Election Commission for all other elections. In the event a protest is filed, or litigation is commenced in connection with the conduct of municipal elections, the City of Beaufort shall pay all fees, costs and expenses incurred in such protest or litigation. The Board of Voter Registration and Elections of Beaufort County shall provide invoices and/or other documentation to the City of all such additional costs and expenses incurred in the conduct of City of Beaufort Municipal Elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

~~Beaufort County Elections and Registration Commission shall be authorized to assist the City of Beaufort and its municipal election commission with the city's municipal elections. Pursuant to this authority and agreement, the city hereby transfers to the Beaufort County Elections and Registration Commission the following authority and responsibilities for the conduct of municipal elections:~~

- ~~(1) Preparation of voting machines, ballot pages, cards, and other documents, materials and equipment in conjunction therewith;~~
- ~~(2) The training of poll managers and election night workers;~~
- ~~(3) The total conduct of the absentee precinct;~~
- ~~(4) Assisting with the conduct of the election procedure and tabulating of the results; and~~
- ~~(5) Assisting with securing of polling places.~~

~~The city and its municipal election commission shall remain responsible for the total cost of conducting all municipal elections including providing the supplies to be used at the precincts, the certification of all candidates, the designation of polling places, the inspection and visitation of polls during election day, the recruitment and assignment of poll managers, securing telephones for the polling precincts, the hearing of~~

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~~challenged ballots and ruling on any protest and/or complaints regarding the election or its procedures, and the certification of the election results.~~

(Ord. No. O-36-79, 1-9-79; Ord. No. O-12-93, 2-23-93; Ord. No. O-16-97, 4-22-97; Ord. No. O-16-99, 4-13-99; Ord. No. O-13-00, 4-11-00; Ord. No. O-15-10, § 1, 8-24-10)

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Sec. 1-8005. Time of elections; notice.

- (a) Elections for city officials shall be held in even-numbered years on the first Tuesday after the first Monday in November beginning in the year 2000 except for the election in May, 2001 as set forth below. The council members and mayor elected to fill the offices of the council members and mayor whose terms expire in 1999 and 2001 respectively would serve seventeen-month terms from the date of installation in July of the year 1999 to the date of installation of the year 2000, and from the date of installation in July of the year 2001 to the date of installation in December of the year 2002. The terms will be for four (4) years thereafter.
- (b) The council shall give public notice of the general city election at least sixty (60) days prior to the date of the election.

(Ord. No. O-39-98, 7-14-98)

Sec. 1-8006. Time of taking office; contested election.

- (a) Candidates who receive the highest number of votes in the election in May, 1999 will be duly installed to the office at the first regular council meeting in July following the election. Candidates who receive the highest number of votes in the election in November, 2000 will be duly installed to the office at the first regular council meeting in December following the election. Candidates who receive the highest number of votes in the election in May, 2001 will be duly installed to the office at the first regular council meeting in July following the election. Candidates who receive the highest number of votes in all elections thereafter, which elections shall be held on the first Tuesday after the first Monday of the month of November, will be duly installed to the office at the first regular council meeting in December following the election.
- (b) If the results of the election are contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(Ord. No. O-30-89, 11-14-89; Ord. No. O-10-93, 2-23-93; Ord. No. O-39-98, 7-14-98)

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State law reference(s)—Contested elections, S.C. Code 5-15-130.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/27/2023
FROM:
AGENDA ITEM TITLE: Resolution to affirm the Beaufort County Board of Voter Registration and Elections as the agent for conducting a special election for the office of Mayor
MEETING DATE: 10/3/2023
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

The is a new requirement from the State Election Commission on special elections. This will affirm that the Beaufort County Board of Voter Registration office will be handling the special election for the City of Beaufort.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Backup Material	9/29/2023

RESOLUTION 2023/_

**A RESOLUTION TO AFFIRM THE BEAUFORT COUNTY BOARD OF VOTER REGISTRAITON AND ELECTIONS
AS THE AGENT FOR CONDUCTING A SPECIAL ELECTION FOR THE OFFICE OF MAYOR**

WHEREAS, on September 15, 2023, Stephen Murray resigned as Mayor, effective immediately, creating a vacancy in the Office of Mayor on that date; and

WHEREAS, the term of Mayor of the City of Beaufort is not set to expire until after the 2024 General Election; and

WHEREAS, in accordance with the S.C. Code Ann. § 7-13-190, a special election shall be held to fill such a vacancy for the remainder of the unexpired term; and

WHEREAS, the special election, based on the date of the vacancy of the office, shall be held on December 12, 2023, with a filing period that is open from 12 noon on October 6, 2023, until 12 noon on October 16, 2023; and

WHEREAS, in accordance with the Code of Ordinances for the City of Beaufort, the Beaufort County Board of Voter Registration and Elections shall conduct municipal elections in the city.

NOW, THEREFORE, BE IT RESOLVED, that:

- 1) The City Council of the City of Beaufort affirms and publicly declares that the Beaufort County Board of Voter Registration and Elections will conduct and certify the special election for the office of mayor to fill the remainder of the unexpired term of Stephen Murray; and
- 2) The City of Beaufort will reimburse the Beaufort County Board of Elections and Registration for all costs incurred to conduct the election to include, but not necessarily be limited to providing ballots, printing costs, providing public notice, poll manager compensation and other related additional expenses incurred in the conduct of this special election.

This Resolution shall be effective October 3, 2023.

Dated this 3rd Day of October 2023.

Michael A. McFee, Acting Mayor

Attest:

Traci Guldner, City Clerk