

Office of the Governor

EXECUTIVE ORDER NO. 2018-24

WHEREAS, by letter of August 21, 2018, a copy of which is attached hereto, the Board of Voter Registration and Elections of Bamberg County (“Board”) has advised the undersigned that two members of the Town Council for the Town of Govan have tendered their resignations; and

WHEREAS, section 5-7-200(b) of the South Carolina Code of Laws, as amended, provides that “[a] vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, the Board has advised the undersigned that the aforementioned vacancies were created one hundred eighty days or more prior to the next general election but that the requisite special election has not been held to date due to a delay in notifying the Board of the resignations; and

WHEREAS, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred

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upon me therein, I hereby Order that a special election shall be held on November 6, 2018, to fill the aforementioned vacancies on the Town Council for the Town of Govan. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, as amended, I designate and appoint the Board to perform the necessary official duties pertaining to the special election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. In order to qualify as a candidate to run in the special election, all candidates must file with the Board a statement of intention of candidacy, and submit any applicable filing fees, between noon on Friday, August 31, 2018, and noon on Friday, September 7, 2018. This Order is effective immediately.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF AUGUST, 2018.

HENRY MCMASTER
Governor

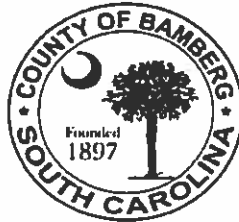
ATTEST:

MARK HAMMOND
Secretary of State

Board of Voter Registration & Elections of Bamberg County

1234 North St
P. O. Box 947
Bamberg, SC 29003

Patricia Blume
Dorothy Lee
Verline Baucham
Curtis Tyler Jr.
Jannie Johnson
Jimmy Brickle
Eva Manigault



Telephone: 803-245-3028

Fax: 803-245-7968
johnsonmc@bambergcounty.sc.gov

Melinda C. Johnson, Director

August 21, 2018

Office of the Governor of South Carolina
The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, SC 29201

Re: City of Govan, Request for Special Election

Dear Governor McMaster:

I am writing on behalf of Bamberg County Board of Voter Registration and Elections. On July 31, 2018, our office received a hand-delivered letter from the Mayor of the City of Govan. Attached to the correspondence were two resignation letters of City Councilpersons. One was dated February 3, 2018. The other was dated March 27, 2018. There was no explanation provided regarding the delay in the date of resignation and the notification of the Bamberg County Board of Voter Registration and Elections.

By letter dated August 3, 2018, I notified the City of Govan that their failure to notify the Board of the vacancies was inappropriate. After contacting the State Election Commission, and in consultation with the attorney for the Board, I am writing to request an Order for a special election to fill the above vacancies.

According to §7-13-1170, S. C. Code of Laws, your office may order a new election in these circumstances. On behalf of the Bamberg County Board of Voter

Registration and Elections, I request that you order a special election for the City of Govan to fill these vacancies in Govan City Council. I would recommend that you order the election for November 6, 2018, to coincide with the regularly scheduled elections for Bamberg County.

I appreciate your attention to this matter. If your office requires any additional documentation, please let me know, and I will be happy to comply.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda C. Johnson". The signature is fluid and cursive, with the first name being the most prominent.

Melinda C. Johnson, Director
Bamberg County