

EXECUTIVE ORDER NO. 2021-21

WHEREAS, the undersigned has been informed that on April 13, 2021, the Town of Estill held an election for the office of Mayor of the Town of Estill; and

WHEREAS, on April 29, 2021, the Town of Estill’s Municipal Election Commission (“Commission”) notified the undersigned that following the aforementioned election, the Commission failed to “declare the results not later than three days following the election,” as required by section 5-15-100 of the South Carolina Code of Laws, as amended, due to the absence of a quorum of the Commission’s membership; and

WHEREAS, the Commission has advised that after meeting on April 21, 2021, for purposes of receiving the number of votes cast for each candidate, considering certain challenged absentee ballots, and declaring the results of the April 13, 2021 election for the office of Mayor of the Town of Estill, the Commission determined that the election resulted in a tie, which the Commission subsequently confirmed following a recount on April 27, 2021; and

WHEREAS, section 5-15-125 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]f any municipal election results in a tie, the municipal election commission or the municipal party committee shall conduct a runoff election to break the tie two weeks following that election”; and

WHEREAS, pursuant to section 5-15-25 of the South Carolina Code of Laws, the Commission was required to “conduct a runoff election to break the tie” on April 27, 2021, but the Commission failed to conduct the runoff election at the appointed time and in the manner prescribed by law; and

WHEREAS, in light of the foregoing circumstances and events, and after consulting with the State Election Commission, the Commission has requested that the undersigned order a new runoff election to break the tie resulting from the April 13, 2021 election for the office of Mayor of the Town of Estill; 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 upon me therein, I hereby order that a runoff election shall be held on Tuesday, May 18, 2021, to break the tie resulting from the April 13, 2021 election for the office of Mayor of the Town of Estill. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, I designate and appoint the Commission to perform the necessary official duties pertaining to the runoff election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 30th DAY OF
APRIL, 2021.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State