

**Williston Town Council
Special Called Meeting
July 31, 2013**

Minutes:

Notice of this meeting was posted at the Williston Town Hall and provided to The People Sentinel newspaper at least 24 hours in advance of the meeting in accordance with the S.C. Freedom of Information Act.

Members of Council present: Mayor Rivers, Councilman Baxley, Councilman Williams, Mayor Pro-Tem Matthews, Councilman Valentine, and Councilman Stapleton

Members of Council absent: Councilman Holmes

Mrs. Angela Overton took minutes. Mr. Tom Boulware was also present.

Mayor Rivers recused himself stating personal interest because his son, Chris Rivers, is one of the unopposed candidates. Councilman Stapleton recused himself as well stating a vested interest in principal because he is running for the unopposed Mayoral seat. They both left the council chambers.

Councilman Williams gave the invocation.

Councilman Valentine led the Pledge of Allegiance.

Mayor Pro-Tem Matthews called the meeting to order, stated that a quorum of Council was present, and welcomed everyone to the meeting.

Discussion and Vote on Cancellation of Unopposed Election in September of 2013

Mr. LeDuc stated that at the meeting in July he told council that the forthcoming election needed to be discussed and that he would do further research on the topic. He stated that the meeting tonight was to bring council his findings so they could decide if an election should be held or not.

Mr. LeDuc stated that he spoke with representatives from the Municipal Association about unopposed elections and they stated that according to state law the election should not take place. He stated that he met with the State Election Commission members and was told that to have the election would be against state law. They referred him to section 7-13-190(e) of the SC State Law that reads:

(A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

(B) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o'clock noon on the third Friday after the vacancy occurs for a period to close ten days later at twelve o'clock noon. If seeking nomination by petition, the petitions must be submitted not later than twelve o'clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o'clock noon forty-five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7-11-15 and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7-11-70.

A primary must be held on the eleventh Tuesday after the vacancy occurs. A runoff primary must be held on the thirteenth Tuesday after the vacancy occurs. The special election must be on the eighteenth Tuesday after the vacancy occurs. If the eighteenth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election shall 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, it must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.

(C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close ten days later at noon. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the thirteenth Tuesday after the vacancy occurs. Both the filing date and the election date are subject to the provisions in subsection (B) of this section regarding holidays.

(D) Provided, however, if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty-eight days under the provisions of this section, the election commission or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must be held on the latest date required for an election during the twenty-eight-day period.

(E)(1) A special election to fill a vacancy in an office is not required to be conducted if fourteen calendar days have elapsed since the filing period for that office has closed and:

(a) only one person has filed for the office; and

(b) no person has filed a declaration to be a write-in candidate with the authority charged by law with conducting the election.

(2) In such an event, the candidate who filed for the office is deemed elected and shall take office on the Monday following certification.

(3) The provisions of this subsection also apply to municipal general elections.

When no person has filed a declaration to be a write-in candidate pursuant to this section, the candidate who filed for the office must be declared the winner by the authority charged by law with conducting the election, and the votes for the election must not be counted or otherwise tabulated. Nothing in this section requires a ballot containing the name of a person who has been declared the winner pursuant to this section to be reprinted to delete the winning candidate's name or candidates' names from the ballot.

HISTORY: 1986 Act No. 493, eff June 9, 1986; 1988 Act No. 363, Section 3, eff March 14, 1988; 1988 Act No. 380, eff March 14, 1988; 1991 Act No. 61, Section 1, eff May 22, 1991; 1996 Act No. 226, Section 4, eff February 12, 1996; 1996 Act No. 243, Section 1, eff March 4, 1996; 1998 Act No. 412, Section 4, eff June 9, 1998; 2003 Act No. 3, Section 2, eff upon approval (became law without the Governor's signature on January 16, 2003).

Mr. LeDuc stated that if an election was held and the town had write-in votes there would be a conflict. He quoted the Williston Code of Ordinances Section 34-1 that states:

All municipal elections shall be conducted in accordance with the election laws of the state.

Mr. LeDuc stated that he has spoken with numerous Mayors across the state and none were holding an election if the candidates were unopposed. He stated that he also spoke with an attorney from a larger municipality and was pointed back to the state law.

Mr. LeDuc stated that he recommends to not hold the election on September 10, 2013 in accordance to state law 7-13-190(e).

Councilman Valentine stated that filing closed on July 5, 2013 and wished to know when the certification date of the unopposed candidates was?

Mr. LeDuc stated that it was on the 19th of July.

Councilman Baxley made a motion to follow Mr. LeDuc's recommendation to not hold the election in accordance to state law 7-13-190(e). Councilman Valentine seconded the motion. All in favor.

With no other business Councilman Valentine made a motion to adjourn. Councilman Baxley seconded the motion. All in favor.

The meeting adjourned at 6:06 pm.

TOWN OF WILLISTON, SOUTH CAROLINA

Thomas R. Rivers, Mayor

ATTEST:

Angela S. Overton, Town Clerk

Date