

Memo

Intradistrict

To: Board Members, Rick Chandler

From: Gene Moore, superintendent

Through:

Subject: Process for filling vacant board seat

Date: December 13, 2016

The resignation of the board member from Voting District 1 means a vacancy exists immediately on the board.

On the next four pages are the state law that governs special elections and the qualifications to run as a candidate in a general election.

I have talked with County Voter Registration and Elections Director Mary Ann Hudson and Mr. Chandler, and below is a summary of how the election process will flow, based on the attached state law and my conversations with them and on conversations Mr. Chandler had with a state election commission lawyer.

- **Filing period** – State law states that once a seat is vacant by reason of resignation, filing for the seat must open at noon on the third Friday after the vacancy occurs for a period to close 10 days later at noon. Since the third Friday would be Dec. 23 and the Voter Registration Office will be physically closed for holidays Friday, Dec. 23 - Tuesday, Dec. 27, the office will begin receiving filings to run Wednesday, Dec. 28.

State law also states that if the day the filing period closes is a state holiday – which Monday, Jan. 2 is – then filing must be open through the succeeding weekday, which means filing will end at noon, Tuesday, Jan. 3.

- **According to Section 7-13-190 (e)(1) of the S.C. Code of Laws . . .**

- **if only one person files to run for the board seat**, a special election to fill a vacancy in an office is not required to be conducted if 14 calendar days have elapsed since the filing period for that office has closed and

a - only one person has filed for office **and**

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

In this scenario, the person who filed will be declared the winner by the election commission without an election and will be sworn in at the next called or regular board meeting after Monday, Jan. 23.

- **if two or more persons file to run for the board seat**,

a -The election must be set for the 13th Tuesday after the vacancy occurs. The first Tuesday is Dec. 6 so the election would be Feb. 28, with absentee voting beginning 30 days before – Monday, Jan. 30.

b -The voter registration office will certify the results Thursday, March 2.

In this scenario, the newly-elected board member will be sworn-in at the next called or regular board meeting on or after Tuesday, March 7.

Ms. Hudson estimates the election will cost \$6,000. Voting District 1 has nine precincts, and each precinct will require a clerk and two poll managers.