

Executive Order 2002-33

(November 7, 2002)

WHEREAS, in the general election held on November 5, 2002, the electronic voting system in Marion County was programmed incorrectly, resulting in unintentional irregularities affecting the municipal general election for the Town of Nichols; and

WHEREAS, because of such irregularities, the Marion County Voter Registration and Election Commission, competent authority, declared void the municipal general elections for the Town of Nichols conducted on November 5, 2002; and

WHEREAS, the Marion County Voter Registration and Election Commission has requested a new election pursuant to Section 7-13-1170 of the South Carolina Code of Laws; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “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 ensure 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, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby:

- Order that a municipal election be held in the Town of Nichols, South Carolina, for such offices as are due to be filled as provided by law, on December 3, 2002, or at the earliest possible date and time after December 3, 2002, as is permitted by the United States Department of Justice; and
- Designate the Marion County Voter Registration and Election Commission municipal election commission to perform the necessary official duties pertaining to the election, and to declare the result; and
- Direct the Marion County Voter Registration and Election Commission to take all necessary steps to ensure that the list of registered voters is as accurate as possible and that electronic voting system is programmed appropriately.

This Executive Order shall be effective immediately.