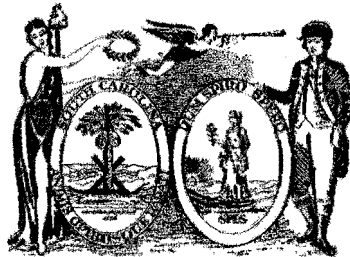


State of South Carolina
Executive Department

FILED

FEB 22 2005

Mark Hammond 7
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER No.

2005-07

WHEREAS, on February 2, 2005, I received a Decision of the South Carolina State Election Commission, in its capacity as the State Board of Canvassers, upholding the Order of the Horry County Board of Canvassers (Horry County Registration and Elections Commission) to set aside the November 2, 2004, election for Horry County Council District 3 due to voting irregularities; and

WHEREAS, on January 20, 2005, the South Carolina Supreme Court denied a writ of certiorari to hear a challenge to the Decision of the South Carolina State Election Commission thereby upholding its Decision to set aside the November 2, 2004, election; and

WHEREAS, the Horry County Registration and Elections Commission ("Commission") has requested that a new election be held on May 10, 2005; and

WHEREAS, the Commission has stated that, in requesting this date, it has complied with the notice provisions in the South Carolina Code of Laws and the pre-clearance requirements of Section 5 of the Voting Rights Act of 1965; 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 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, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held for Horry County Council District 3 on May 10, 2005, subject to pre-clearance approval by the United States Department of Justice, or at the earliest possible date and time after May 10, 2005, as is permitted by the United States Department of Justice; and (b) designate the Horry County Registration and Elections Commission to perform the necessary official duties pertaining to the election to declare the result.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 22nd DAY OF
FEBRUARY, 2005.



MARK SANFORD
Governor

ATTEST: 

MARK HAMMOND
Secretary of State