

January 13, 2015

The Honorable Hugh K. Leatherman, Sr.  
Chairman, Senate Finance Committee  
111 Gressette Building  
Columbia, SC 29201

The Honorable W. Brian White  
Chairman, House Ways and Means Committee  
525 Blatt Building  
Columbia, SC 29201

The Honorable Larry A. Martin  
Chairman, Senate Judiciary Committee  
101 Gressette Building  
Columbia, SC 29201

The Honorable F. Gregory "Greg" Delleney, Jr.  
Chairman, House Judiciary Committee  
512 Blatt Building  
Columbia, SC 29201

Dear Senators and Representatives:

The State Election Commission was directed by Proviso 100.15 of 2014 to work with the appropriate entities to develop a plan to standardize all election dates so that all elections are held on the first Tuesday following the first Monday in November.

**100.15.** (ELECT: Election and Referendum Dates Standardization) The Election Commission shall work with the appropriate entities to develop a plan to standardize all election and ballot referendum dates across the state. The plan shall include, but not be limited to, a cost benefit analysis and a proposed timeline for implementation. Every effort should be made such that all elections are held on the first Tuesday following the first Monday of November. The plan shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Judiciary Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Judiciary Committee by January 13, 2015 for approval by the General Assembly.

Please find the plan enclosed. If you or your staff have any questions regarding its contents, please let me know.

Thank you for your continued commitment to improving the voter registration and elections process in South Carolina.

Sincerely,

Signature Redacted

Marci Andino

MBA/cw  
Enclosure

**COMMISSIONERS**

BILLY WAY, JR.  
Chairperson

MARK A. BENSON

MARILYN BOWERS

E. ALLEN DAWSON

NICOLE SPAIN WHITE

MARCI ANDINO  
Executive Director

2221 Devine Street  
P.O. Box 5987  
Columbia, SC 29250

803.734.9060  
Fax: 803.734.9366  
www.scvotes.org

# **SOUTH CAROLINA**

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## ELECTION COMMISSION

### **Election Date Standardization Plan January 2015**

**EVERY VOTE MATTERS.**  
**EVERY VOTE COUNTS.**

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The State Election Commission (SEC) was directed by Proviso 100.15 of 2014 to work with the appropriate entities to develop a plan to standardize all election and ballot referendum dates across the state.

The purpose of this plan is to present ideas that would better provide for the efficiency, transparency, and accountability for all regularly-scheduled elections and referendums in South Carolina.

The SEC supports the idea of consolidation of election dates, along with the S.C. Association of Counties, the S.C. Association of Registration and Elections, and the Municipal Association of S.C. (MASC).

State law requires most elections to be held on the first Tuesday after the first Monday in November in even-numbered years (Statewide General Election). Municipalities are permitted by law to choose any election date. Municipalities have chosen elections on various dates throughout the two-year election cycle. Some school boards and public service districts (PSDs) have enabling legislation that sets their election dates at some time other than the General Election. Referendums can be set for various dates by various bodies under rules provided by statute and Acts of the General Assembly.

As a result of the various ways election dates are set, there is an election somewhere in the State on nearly every Tuesday throughout the year. Standardization of election dates will have a positive effect on voters, election officials, and the affected jurisdictions.

**Standardizing Municipal Election Dates to November of the Odd Year**

Standardizing municipal election dates follows with the recent trend of municipalities moving away from the Statewide General Election and other various dates. Currently, more municipal elections are held in November of the odd year than the other categories:

1. 123 (45%) municipal elections are currently held in November of the odd year.
2. 113 (42%) municipal elections are held at various dates throughout a two-year period.
3. 35 (13%) municipal elections are held with the Statewide General Election.

**Major Changes:**

1. 148 municipalities will be required to change their election date to the first Tuesday after first Monday in November in odd-numbered years.
  - a. These dates are currently set by ordinance.
  - b. First common municipal election date would be November 7, 2017.
2. The issue of shortening or lengthening terms for municipalities changing election dates would need to be addressed.
  - a. One option would be to legislatively mandate how terms would be shortened or lengthened. The MASC suggests legislatively mandating the following:
    - i. Municipalities with elections prior to November in odd years would extend terms;



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- ii. Municipalities with elections prior to November in even years would shorten terms; and
  - iii. Municipalities that hold elections along with the Statewide General Election would extend terms by one year.
- b. Another option would be to have each municipality pass an ordinance stating whether mayoral and council terms will be shortened or lengthened.
- 3. All municipalities would be required by law to comply with standardized municipal candidate filing dates. This will simplify the election process for candidates, municipalities and election officials. Standardization of filing and certification is important for the SEC in providing voting system databases for all municipal elections.
  - a. For municipalities that use the nonpartisan statement of candidacy filing method, the filing period would be noon, August 1<sup>st</sup> – noon, August 14<sup>th</sup>.
  - b. For municipalities that use the petition filing method, the petition filing deadline would be noon, July 15<sup>th</sup>, with the county board of voter registration and elections being required to validate the petition by noon, August 15<sup>th</sup>.
  - c. For municipalities with partisan elections (only five statewide), parties would continue to set the filing period and timeframes for primaries (usually conducted by the parties). However, the parties would be required to certify their nominee no later than noon, August 15<sup>th</sup>.
  - d. Set certification deadline for all candidates (partisan and nonpartisan) and questions as noon, August 15<sup>th</sup>. This is designed to mirror the certification deadlines for the Statewide General Election set in S.C. Code of Laws 7-13-350, 7-13-351, 7-13-352, and 7-13-355.

**Standardizing School Board and Public Service District (PSD) Elections to be Held with the Statewide General Election**

Current Election Dates:

- 1. Approximately 70% of school board and PSD elections are held with the Statewide General Election.
- 2. Approximately 30% of school board and PSD elections are held at various dates throughout a two-year period.

Major Changes:

- 1. Approximately 25 school boards and a handful of PSDs across the state will be required to move their election date to be held with the Statewide General Election.
  - a. These dates are currently set by Acts of the General Assembly.
  - b. By November 8, 2016, all school districts and PSDs would hold elections with the Statewide General Election.
- 2. The issue of shortening or lengthening terms for board members would need to be addressed legislatively.

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3. Candidate filing would be required by law to comply with the noon, August 15<sup>th</sup>, certification deadline for the Statewide General Election. This is already required for all candidates in the Statewide General Election (S.C. Code of Laws Section 7-13-352).
4. Any school board currently using a unique election scheme provided by Act of the General Assembly such as a nonpartisan primary and election method would be required to comply with the standard method of nonpartisan election: a standard nonpartisan candidate filing period and certification deadline of noon, August 15<sup>th</sup> of the Statewide General Election year.

### **Standardizing Referendum Dates**

#### Current Election Dates:

Unlike the municipal, school board, and PSD elections discussed previously; referendums are not regularly-scheduled. Currently, referendums are set for various dates throughout the two-year election cycle. Types of referendums vary greatly, and each is authorized by separate statutes. The statutes provide rules for calling for each type of referendum and setting the election date. In most cases, the affected jurisdiction sets the date of the referendum under some general timeframes laid out in statute. Following are examples of a few of these code sections:

§4-9-10	Determining form of county government
§4-9-1210, et al.	County voter initiatives
§4-10-20, et al.	County local option sales tax
§4-37-30	County sales and use tax and general obligation bonds
§5-3-30	Consolidation of two or more municipalities
§5-3-300, et al.	Municipal annexation
§5-5-20, et al.	Determining form of municipal government
§5-17-10, et al.	Municipal voter initiatives
§6-11-273	PSD tax levies
§6-11-350, et al.	Determining whether PSD board should be elected
§61-6-2010	Alcohol sales

The SEC believes setting common referendum dates would be a benefit to voters, election officials, and the affected jurisdictions for many of the same reasons it makes sense to standardize other election dates.

#### Major Changes:

1. Most referendum types should be mandated to be held at the time of the jurisdiction's regularly-scheduled election.
2. Some referendum types may need to be exempt from a standardized date. Standardizing referendum dates would limit the time frame for implementation of the action authorized by the referendum. In other words, the jurisdiction or citizens would have to wait longer, until the next standard date, to affect the change. Therefore, any

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change to standardize referendum dates would need to consider the unique implications of limiting the actions authorized by each individual referendum.

For example, a jurisdiction may find itself in a situation where it needs to hold a bond referendum quickly to raise funds to address some emergency situation. If all referendums were limited to the jurisdiction's regularly-scheduled election, and the next election was two years away, the jurisdiction would be limited in its ability to address the emergency situation.

One alternative would be to exempt certain types of referendums from the requirement to be held at the regularly-scheduled election. These exempted types would continue to be set as currently required by statute. Additional study would be required to identify the referendum types, if any, that should be exempted from a standardized referendum date.



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**Cost-Benefit Analysis**

The costs and benefits of standardizing election dates are realized by three major groups: Voters, Election Officials, and the affected Jurisdiction (municipality, county, or school district).

Stakeholder	Benefits	Costs
<b>Voters</b>	<ol style="list-style-type: none"> <li>1. Voters will know when their elections are held. Voter confusion currently exists particularly with municipalities and school boards that don't hold their elections in November.</li> <li>2. Common November election dates create a statewide synergy. Everyone will know that there are elections every November. November of odd years will become a statewide election day resulting in more media coverage of municipal elections and stand-alone school board elections.</li> <li>3. This new, odd year Election Day should result in improved voter education on the process, the issues, and the candidates.</li> <li>4. The net result of the focus that comes with a common election date should be greater participation in many municipalities.</li> <li>5. Greater focus and attention improves transparency in elections.</li> <li>6. Eliminates the need for voters to "sign in" twice when voting in a municipal election held with the Statewide General Election.</li> <li>7. Better meets voter expectations.</li> </ol>	<ol style="list-style-type: none"> <li>1. Will create potential for voter confusion related to changing election dates.</li> <li>2. For various, personal reasons, some voters will prefer the original date or some alternate date.</li> <li>3. Some voters will not be satisfied with either extending or abbreviating terms of some elected officials.</li> <li>4. In some cases, voters would have to wait longer to affect change by referendum.</li> </ol>
<b>Election Officials</b>	<ol style="list-style-type: none"> <li>1. Municipal election calendar will mirror general election calendar simplifying the administration of elections.</li> <li>2. Simplifies training of local election officials by State Election Commission</li> <li>3. Cost benefit of combination of legal notices.</li> <li>4. Each jurisdiction would gain the mutual benefit of statewide voter education efforts.</li> <li>5. Creates cost saving of mailing multiple ABS ballots to non-General Election School Board and PSD voters</li> <li>6. Saves county board poll manager pay for moving school boards to November of even year.</li> <li>7. Saves election officials time and resources by eliminating the duplication of efforts associated with variable election dates.</li> <li>8. Allows for better maintenance scheduling on voting equipment.</li> <li>9. Cost savings on printing of voter registration lists. Printing and shipping all lists at</li> </ol>	<ol style="list-style-type: none"> <li>1. Training and education materials will need to be updated to reflect changes.</li> <li>2. Combining election dates creates another statewide election day similar to that of the June Primaries and General Election, which presents unique operational challenges for county and state election officials.</li> <li>3. Voting system equipment maintenance schedules will need to be adjusted.</li> <li>5. Will create a temporary need to educate affected voters about new election dates.</li> </ol>

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	<p>the same time is less expensive than on numerous dates throughout the year. Also eliminates last-minute rush orders on late notification of election from municipality.</p> <ol style="list-style-type: none"> <li>10. Eliminates poll manager confusion associated with holding a municipal election with the Statewide General Election.</li> <li>11. Benefit of removing municipal elections from June Primary Date (Some municipalities have chosen the June Primary date).</li> <li>12. Benefit of eliminating multiple elections within a week of each other (Some counties have municipalities and school boards that have chosen dates that are close together).</li> <li>13. Eliminates unique school board election schemes such as a nonpartisan primary on the same day as the June Primaries. Elections and primaries cannot be mixed and must be conducted separately on the same day. This means separate books and separate ballots, which leads to confusion for poll managers and voters.</li> </ol>	
<b>Jurisdiction (municipality, county, or school district)</b>	<ol style="list-style-type: none"> <li>1. Brings focus to municipal elections. Municipal elections that stand alone don't garner much attention from the public. Those that are held with the General Election are overshadowed by the higher offices on the ballot.</li> <li>2. Would prevent municipal offices and candidates appearing on the Statewide General Election from being buried at end of the ballot after all federal, state, and county offices and questions.</li> <li>3. Inclusion in statewide election efforts relieves the municipalities and school boards of some of the tasks associated with holding stand-alone elections (i.e., the jurisdictions would no longer be alone in managing their election process).</li> </ol>	<ol style="list-style-type: none"> <li>1. Some municipalities will be required to pass new election ordinances to comply with state law.</li> <li>2. In some cases, jurisdictions would have to wait longer to affect change by referendum.</li> </ol>