

City Code of the City of Spartanburg

Chapter 6 ELECTIONS

ARTICLE I. IN GENERAL

Sec. 6-1. Elections to be nonpartisan.

All regular and special elections conducted in the city after December 12, 1977 shall be nonpartisan elections, and no political party affiliation shall be placed on the ballot for any candidate.

Sec. 6-2. Date of general elections; public notice.

A general election to fill all offices required to be filled under the laws of the state or the ordinances of the City shall be held in odd-numbered years on the first Tuesday in November. Public notice of all elections shall be given at least sixty (60) days prior to the date of the holding of such election by the Spartanburg County Election Commission.

Sec. 6-3. When no election is necessary.

If the City has an upcoming election for one seat and only one candidate files and no one files as a write-in candidate within the 14 calendar day period after filing closes, no election will be necessary.

Further, if the City has three City Council seats that are elected by district, if only one candidate files for each district seat and no one files as a write-in for any seat during the appropriate time, no election would need to be held. If one write-in files for a particular district seat, that election would have to be held, while the other two district elections would not have to be held.

If no election needs to be held, the Spartanburg County Election Commission would still meet to certify any filed candidates as the winner.

Sec. 6-4. Determination of election results.

Election results shall be determined according to the nonpartisan and run-off election method prescribed by state law.

Sec. 6-5. Candidacies.

Candidates for the office of Mayor and the office of a Member of City Council shall sign a Statement of Candidacy which shall be completed and filed with the Spartanburg County Election Commission no later than noon ninety (90) days prior to the election date, unless that date falls on a weekend or holiday at which time the filing closes at Noon on the following Monday. Such Statements of Candidacy shall be delivered timely to the Spartanburg County Election Commission.

Candidates shall pay a filing fee to the City of Spartanburg prior to the filing of the Statement of Candidacy. The fee for mayoral candidates shall be \$500.00 and the fee for City Council candidates shall be \$250.00.

The Spartanburg County Election Commission will not be responsible for collecting filing fees. A Candidate will have to submit a receipt from the City acknowledging payment of said fee and attach it to the State of Candidacy or the City would have to certify to the Spartanburg County Election Commission that the filing fee has been paid.

Sec. 6-6. Municipal election commission authority transferred to the Spartanburg County Election Commission.

All authority for the conducting of municipal elections is hereby transferred to the Spartanburg County Election Commission in the following particulars:

1. The Spartanburg County Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Spartanburg.
2. Immediately upon the closing of the polls at any municipal election in the City of Spartanburg, the Spartanburg County Election Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Council person, canvass the vote and publicly display the unofficial results.
3. The Spartanburg County Election Commission shall thereafter certify the results of the elections and transmit the certified results to the City of Spartanburg Council or an appointed authority representing City governments as soon as

practical following the certification.

4. The Spartanburg County Election Commission shall hear and decide protests and certify the results of municipal elections.
5. The Spartanburg County Election Commission shall utilize a computer counting system with the count publicly conducted.
6. The Spartanburg County Election Commission shall take such other action as may be necessary or appropriate to conduct municipal elections and certify results.
7. **Reimbursement of Election Costs.** The City of Spartanburg shall reimburse the Spartanburg County Election Commission for its share of all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Spartanburg. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Spartanburg shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Spartanburg County Election Commission shall provide invoices and expenses incurred in the conduct of City of Spartanburg municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.
8. **Preclearance by United States Justice Department.** Any required submission to the United States Justice Department for preclearance, now or in the future necessitated by City mandated election changes, will be prepared by and submitted by the City of Spartanburg. The costs incurred for such submission and future expense, if any, for additional preclearance required by City mandated election changes will be borne by the City.
9. **Notice of Elections.** The Spartanburg County Election Commission shall publish two notices of general and special elections held in a newspaper of general circulation in the municipality. Included in each notice shall be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved

in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. on election day at a place designated in the notice by the Spartanburg County Election Commission. The first notice must appear no later than sixty (60) days before the election and the second notice must appear no later than two weeks after the first notice.

10. **Voting Hours.** Polling places shall be open at such times and places as determined by the Spartanburg County Election Commission.

11. **Procedure for contesting results of elections; appeals.** Within forty-eight (48) hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Spartanburg County Election Commission. Within forty-eight (48) hours after the filing of such notice, the Spartanburg County Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the Clerk of Court of Spartanburg County, notify the parties concerned of the decisions made, and when the decision invalidates the election, City Council shall order a new election as to the parties concerned. Neither the Mayor nor any member of Council shall be eligible to participate on the issues arising in any contest in which he or she is a party.

Within ten days after notice of the decision of the Spartanburg County Election Commission, any party aggrieved thereby may appeal from such decision to the Court of Common Pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the Clerk of Court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

12. **Declaration of Results.** The Spartanburg County Election Commission shall declare the results of an election no later than three days following the election.

Sec. 6-7. Abolishment of Municipal Election Commission.

The Municipal Election Commission will be abolished upon adoption of an appropriate Ordinance by the governing body of Spartanburg County accepting the responsibility for the conduct of elections for the City and submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

Sec. 6-8. When mayor and councilmembers take office.

The Mayor and Members of City Council will assume the duties of the office to which they are elected on the first Monday after January first of the year following the general election.

Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Officers newly elected at a special election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of Council which is at least forty-eight (48) hours after an election which is not contested, or, for an election which is contested, at a meeting of Council held after protests are finally determined.

Secs. 6-9--6-20. Reserved.

ARTICLE II. DISTRICTS

Sec. 6-21. Created; depicted

- (a) There are created in the city six (6) election districts as described in subsection (b) of this section. The qualified electors in each district shall be entitled to elect one (1) member of the city council.
- (b) The districts are identified on the map labeled "City of Spartanburg Plan 3" with an accompanying statistical table showing the apportionment of population attached hereto.

