State of South Carolina

Executive Department

FILED

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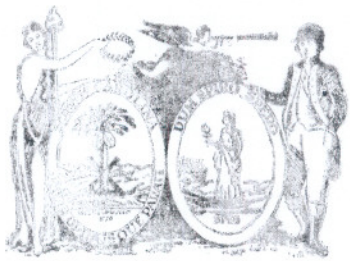
Mark Hammond
SECRETARY OF STATE 8



Office of the Governor

EXECUTIVE ORDER NO. 2007-05

WHEREAS, on February 7, 2007, I received a Decision of the South Carolina State Election Commission, in its capacity as the State Board of Canvassers, sustaining the Order of the Kershaw County Election Commission (Kershaw County Board of Elections and Voter Registration) to void the November 7, 2006, election for Kershaw County Council District 6 due to voting irregularities that may have brought into doubt the outcome of the election; and

WHEREAS, on January 31, 2007, the South Carolina Supreme Court denied a petition for writ of certiorari appealing the decision of the Kershaw County Board of Elections and Voter Registration, thereby upholding the decisions of both the South Carolina State Election Commission and the Kershaw County Election Commission to void the November 7, 2006 election for Kershaw County Council District 6; and

WHEREAS, the Kershaw County Board of Elections and Voter Registration ("Board") has requested that a new election be held on April 10, 2007; and

WHEREAS, the Board 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 Kershaw County Council District 6 on April 10, 2007, subject to pre-clearance approval by the United States Department of Justice, or at the earliest possible date and time after April 10, 2007, as is permitted by the United States Department of Justice; and (b) designate the Kershaw County Board of Elections and Voter Registration 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 20th DAY OF FEBRUARY, 2007.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
Secretary of State