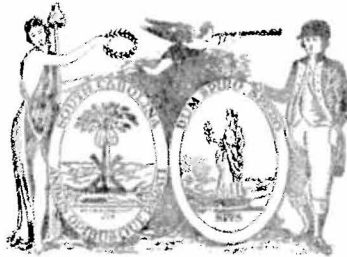


State of South Carolina
Executive Department

FILED

JUN 25 2010

Mark Hammond
SECRETARY OF STATE 8



Office of the Governor

EXECUTIVE ORDER NO.

2010-13

WHEREAS, on June 8, 2010, the Lee County Democratic Party held a Democratic Primary Election for the Lee County Council District 4 seat; and

WHEREAS, candidate Gordon W. Eckley ("Appellant") contested the validity of the June 8th Democratic Election for the Lee County Council District 4 seat and requested a new election; and

WHEREAS, on June 17, 2010, the Lee County Democratic Executive Committee held a hearing, pursuant to Section 7-17-530 of the South Carolina Code of Laws (1976), as amended, and denied the Appellant's petition for a new election; and

WHEREAS, on June 19, 2010, an appeal, seeking relief from the decision of the Lee County Democratic Executive Committee was heard before the Executive Committee of South Carolina Democratic Party ("Executive Committee"), pursuant to Section 7-17-550 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Executive Committee found that the Lee County Democratic Executive Committee erred in denying Appellant's request for a new election in this race because the illegitimate votes cast using the wrong ballot cartridge totaled more than the disparity between the winner and the loser of the race; and

WHEREAS, the Executive Committee, pursuant to its authority under Section 7-17-560 of the South Carolina Code of Laws (1976), as amended, voided the Democratic Primary election held on June 8, 2010, for the Lee County Council District 4 seat; and

WHEREAS, on June 22, 2010, I received a request from the Executive Committee to set a new primary election for the Lee County Council District 4; and

WHEREAS, the Executive Committee found that Appellant's request for a new election to be substantially related to the equitable and democratic interests of the South Carolina Democratic Party; and

WHEREAS, the Executive Committee requested that the new election be held for the part of the Bishopville-1 Precinct that is in Lee County Council District 4, in order to comply 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, the Executive Committee requested that only those voters who cast ballots in the June 8, 2010, primary and are registered to vote in Lee County Council District 4 be allowed to cast votes in a new election; 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, with no actions pertaining to the request for a new election for the part of Bishopville-1 Precinct that is in the Lee County Council District 4 currently pending in the state and federal courts and 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 primary election be held on August 31, 2010, for the Lee Country Council District 4 race in Bishopville-1 Precinct for only those voters who cast ballots on June 8, 2010, and who are registered to vote in the County Council District 4 race, subject to pre-clearance approval prior to this date by the United States Department of Justice, or at the earliest possible date and time after August 31, 2010, as is permitted by the United States Department of Justice; (b) recognize that a run-off election may be needed and should be allowed following the new primary election date in accordance with Article 1, Chapter 13, Title 7 of the South Carolina Code of Laws; and (c) designate the South Carolina State Election Commission and the applicable local election commissions to perform the necessary official duties pertaining to the election and to declare the result.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 25th DAY
OF JUNE 2010.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE