

STATE OF SOUTH CAROLINA  
EXECUTIVE OFFICE  
COLUMBIA

EXECUTIVE ORDER NO. 10

To the Commissioners of Election of the County of Newberry:

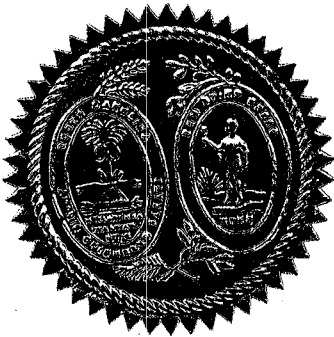
WHEREAS an election was heretofore ordered to be held upon the issue of the annexation to the City of Newberry a certain area lying between Glenn Street Extension and adjacent to Oakland Mill, the said election to be held on April 12, 1966, and

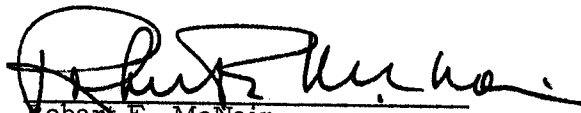
WHEREAS it appears by certification of the Commissioners of Election of Newberry County that no valid election was held on said date and that no valid results could be certified to the Mayor and City Council of the City of Newberry, and

WHEREAS the Mayor and City Council of the City of Newberry have requested that another election be held upon the question of the annexation of the aforesaid area to the City of Newberry; under the provisions of Section 23-326, Code of Laws of South Carolina, now, therefore,

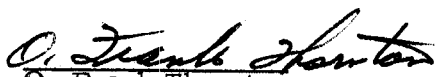
IT IS ORDERED that the Commissioners of Election of the County of Newberry shall order a referendum and an election to be held upon the annexation petition heretofore filed with the Commissioners of Election concerning the territory proposed to be annexed. The said election is to be ordered by the said Commissioners in accordance with the provisions of Section 47-19.11, Code of Laws of South Carolina, 1962, and pertinent statutory provisions governing such elections.

Given under my hand and the Great  
Seal of the State of South Carolina,  
at Columbia, South Carolina, this  
22<sup>d</sup> day of June, 1966.



  
Robert E. McNair  
Governor

ATTEST

  
O. Frank Thornton  
Secretary of State

Item 5

LAW OFFICES  
**POPE AND SCHUMPERT**  
THE PUBLIC SQUARE  
NEWBERRY, SOUTH CAROLINA  
29108

THOMAS H. POPE  
ROBERT D. SCHUMPERT  
WALTON J. MCLEOD III

May 9, 1966

TELEPHONE  
275-2532  
P. O. BOX 190

Honorable K. W. Riebe  
City Manager  
Newberry, South Carolina

Dear Ken:

As I told you on the telephone several days ago, we finally received an opinion from the Attorney General on May 5 concerning the recent annexation election. It is his opinion that the Election Commission has the right to certify the results of the recent election, both in the City of Newberry and in the annexed territory, and has the right to consider any protest concerning such election. The Election Commission does not in his opinion, however, have the right to order a new election but must certify to the City Council that the election, as held, was invalid because of the three ineligible voters. Under the present law, the Election Commission must deduct the votes of the ineligible voters from the winning side, and if this would effect the outcome of the election, then the Election Commission must certify the election as being invalid to the governing body of the municipality.

It is the opinion of the Attorney General that it is the responsibility of the City Council to determine whether or not they want another election held, and if they do, the Governor of the State must order a new election held. Such duty, according to the Attorney General, is absolute in the Governor and the County Board of Commissioners is without authority to act.

I am enclosing herewith, for your information, a copy of the letter from the Attorney General's office and the memorandum covering the subject. The Election Commission having acted, we shall await further

POPE AND SCHUMPERT

Mr. Riebe .

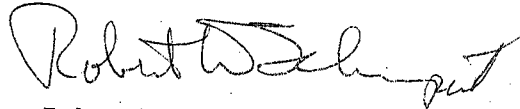
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May 9, 1966

advice from you in the matter.

With kind regards,

Yours very truly,



Robert D. Schumpert  
Commissioner of Election

RDS/lr

enc.

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
CITY OF NEWBERRY )

TO THE HONORABLE MAYOR AND CITY COUNCILMEN OF THE CITY  
OF NEWBERRY, S. C.

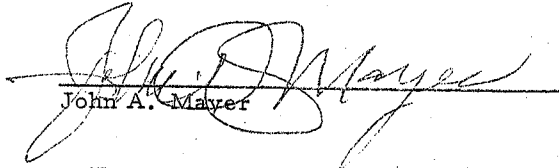
The undersigned Election Commissioners of Newberry County certify that on April 12, 1966, between the hours of eight o'clock in the morning and six o'clock in the afternoon, an election for the annexation of an area lying between Glenn Street Extension and adjacent to the Oakland Mill plant was held. Eight votes in the annexed territory box were not counted by the managers but were counted by the Election Commissioners, and the result of such election, with the questioned ballots counted, was as follows:

YES	49
NO	51

We further certify to the Honorable Mayor and City Councilmen of the City of Newberry, South Carolina, that a protest of such election was received from James D. Seymore. The protest being based upon three voters having voted and signed the poll list who were ineligible to vote in the area. The Election Commission has examined the poll list, as well as the residency of the three individuals and finds that the three voters were not eligible to vote in such election and their ballots could have materially affected the results of the election. It is, therefore, submitted to you that no valid election in the annexed territory was held since more persons voted in such election than the margin of difference between the yeses and noes,

and that, therefore, no valid results can be certified to you.

Respectfully submitted,

  
John A. Mayer

  
Robert D. Schumpert

Newberry, S. C.  
Noyle, , 1966

Copy for record to:

Honorable O. Frank Thornton  
Secretary of State  
Columbia, South Carolina

Honorable B. M. Wise  
Clerk of Court, Newberry County  
Newberry, South Carolina


STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
CITY OF NEWBERRY )

TO THE HONORABLE MAYOR AND CITY COUNCILMEN OF THE CITY  
OF NEWBERRY, S. C.

The undersigned Election Commissioners of Newberry County  
certify that on April 12, 1966, between the hours of eight o'clock in the  
morning and six o'clock in the afternoon, an election for the annexation of  
an area lying between Glenn Street Extension and adjacent to the Oakland  
Mill plant was held, and the vote in the City of Newberry was as follows:

	YES	NO
Ward 1, No. 1	23	1
Ward 1, No. 2	30	5
Ward 2	31	8
Ward 3, No. 1	14	0
Ward 3, No. 2	25	0
Ward 4, No. 1	10	4
Ward 4, No. 2	14	4
Ward 5	25	1
Ward 6	27	3
Total	199	26

Respectfully submitted,

  
John A. Mayer

Newberry, S. C.  
May 6, 1966

  
Robert D. Schumpert

Copy for record to:

Honorable O. Frank Thornton  
Secretary of State  
Columbia, South Carolina

Honorable B. M. Wise  
Clerk of Court, Newberry County  
Newberry, South Carolina