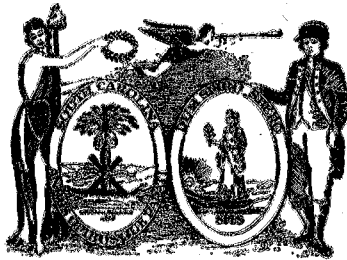


State of South Carolina
Executive Department



FILED

JAN 27 2004

Mark Hammond
SECRETARY OF STATE 8

Office of the Governor

EXECUTIVE ORDER No.

2004-04

WHEREAS, pursuant to Section 4-37-10 et seq. of the South Carolina Code of Laws, a sales and use tax referendum was held in Charleston County on November 5, 2002; and

WHEREAS, on August 25, 2003, the South Carolina Supreme Court nullified the results of the November 5, 2002, sales and use tax referendum because the referendum ballot was improperly worded; and

WHEREAS, on January 6, 2004, Charleston County Council approved a resolution requesting that the Governor set a date for a new sales and use tax referendum in response to the Supreme Court's nullification of the November 5, 2002, referendum; and

WHEREAS, on January 15, 2004, Charleston County Council approved a resolution proposing a revised referendum question to be used in a new election to ask voters whether a sales and use tax under Section 4-37-10 et seq. should be levied in Charleston County; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws 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” (emphasis added); and

WHEREAS, Section 7-1-40 of the South Carolina Code of Laws provides “[t]his Title shall apply to and control all elections, including elections for the issuance of bonds and other elections in which any question or issue is submitted to a vote of the people”; and

WHEREAS, Section 4-37-30 (A)(2) of the South Carolina Code of Laws requires that a sales and use tax referendum for transportation projects “must be held at the time of the general election”; and

WHEREAS, a general election will be held in South Carolina on November 2, 2004; and

WHEREAS, conducting a new sales and use tax referendum for Charleston County on the same date as the upcoming general election will insure that the will of the electorate is fairly expressed since voter turnout is usually higher during general elections, especially in Presidential election years; will allow voters ample time to study the proposed tax; and will avoid the costs of a special election before that date.


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 sales and use tax referendum pursuant to Section 4-37-10 *et seq.* be held in Charleston County on November 2, 2004, subject to preclearance by the United States Department of Justice; and
- B. Designate the Board of Elections and Voter Registration of Charleston County to perform the necessary official duties pertaining to the election, and to declare the result; and
- C. Direct the Board of Elections and Voter Registration of Charleston County to take all necessary steps to conduct the referendum and to comply with all applicable federal and state laws and regulations pertaining to and in connection with the referendum.


This Executive Order shall be effective immediately.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY OF
JANUARY, 2004.



MARK SANFORD
Governor

ATTEST:


MARK HAMMOND
SECRETARY OF STATE