

A RESOLUTION

TO APPROVE THE BYLAWS OF THE MUNICIPAL ELECTION
COMMISSION OF THE CITY OF GREENVILLE.

WHEREAS, City Council prescribed by Ordinance No. 97-06 that all municipal boards and commissions should establish bylaws meeting certain criteria; and

WHEREAS, the City Municipal Election Commission has prepared certain bylaws in accord with that Ordinance and presented the bylaws for the consideration and approval of City Council; and

WHEREAS, in accordance with the Ordinance, the City Attorney has reviewed the bylaws and advises City Council that the bylaws comply with the Ordinance.

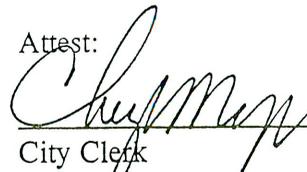
NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

The Bylaws of the City of Greenville's Municipal Election Commission, attached as an exhibit to this resolution and incorporated by reference, are approved.

RESOLVED THIS 28TH DAY OF JULY, 1997.



Mayor

Attest:


City Clerk

Bylaws of the Municipal Election Commission
City of Greenville
Greenville, South Carolina

ARTICLE I - NAME

The name of this municipal commission constituted by provisions of South Carolina law and by appointment by City Council, shall be the Municipal Election Commission.

ARTICLE II - PURPOSE

The Municipal Election Commission is charged by State Law (Section 5-15-100):

1. To supervise and conduct City elections;
2. To ensure that proper books of registration are provided for each precinct;
3. To ensure that proper ballots and election material are provided;
4. To provide for proper polling places;
5. To appoint managers of elections for each polling place;
6. To certify all candidates;
7. To certify election results within three days following each election;
8. To conduct hearings on challenged ballots;
9. To hold runoff elections in the event of a tie; and
10. To exercise other duties when set forth and amended by State Law.

ARTICLE III - MEMBERSHIP

Section 1- Appointment

Members shall be appointed by such method as applicable state statutes and municipal ordinances shall from time to time provide.

Section 2 - Oath of Office

Upon assuming the duties of office, Commission members are required to take the oath required under Section 7-13-70 of the South Carolina Code of Laws.

Section 3 - Term

Section 5-15-90 of the South Carolina Code of Laws provides that Commission members shall serve six-year staggered terms.

Section 4 - Termination

4.1 - Resignations Resignations shall be submitted in writing addressed to the chairman and shall become effective upon such date as the resigning member

shall specify, and if not specified, upon receipt by the chairman. Copy of the resignation shall be sent by the chairman to Mayor and Members of City Council.

4.2 - Conduct Members of the Municipal Election Commission may refer to City Council questions of misconduct.

4.3 - Vacancy A position on the Commission shall be declared vacant by City Council, which shall fill the vacancy.

Section 5 - Duties

- 5.1. To perform duties as required under Section 5-15-100 of the South Carolina Code of Laws.
- 5.2. To observe at members' discretion polling places on election day in order to check with poll managers regarding problems that might have occurred during the polling process.
- 5.3. To recommend changes to City Council and to the County Voter Registration and Election Office that would facilitate ease, efficiency, and fairness in the voting process.

Section 6 - Staff Liaison

The staff liaison appointed by the City Manager shall assist the chairman in setting meetings, preparing agendas and other documentary material, and coordinating the acquisition of needed material and training.

Section 7 - Meetings

- 7.1 **Schedule** The Municipal Election Commission shall meet not less than annually and at those times prior to and after municipal elections when its duties are performed, or at the discretion of the chairman.
- 7.2 **Attendance** Any member who for reasons other than sickness or bona fide emergency misses three (3) consecutive regular meetings within an election year shall be subject to discharge or removal from the Commission. Council may in its discretion reappoint the removed member where good cause for such absences is shown. Any member who is

unable to attend a meeting, whether regular or special, shall contact the staff liaison as soon as possible so that the staff liaison can determine and report to the chairman whether a quorum can be established.

The staff liaison shall maintain a record of attendance for the Commission and shall notify the chairman of any member who violates the attendance requirements.

7.3 Notice

The staff liaison shall be responsible for ensuring compliance with the Freedom of Information Act and for notifying members reasonably prior to the date and time of each meeting.

The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk.

7.4 Quorum

A quorum for all meetings shall be a majority of the membership of the Commission.

Section 8 - Voting

Commission members, including the chairman, shall vote and shall not abstain from voting unless such member identifies a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention and complete a Statement of Potential Conflict of Interest Form. Voting by proxy or absentee is prohibited.

Section 9 - Ethics

Commissioners shall be subject to the provisions of the South Carolina State Ethics Act and the City of Greenville's Code of Ethics.

Section 10 - Rules of Order.

Meetings shall be conducted in an orderly manner to ensure the fair treatment of all persons and issues before the Commission. One or more generally recognized publications on procedure shall be available for reference when procedural issues are to be resolved.

Section 11 - Training and Model Procedures

The Municipal Election Commission shall cooperate with the City Manager to implement such periodic training sessions as may be reasonable and appropriate for members of the Commission and for the staff liaison. Such training shall include but not be limited to basic provisions of parliamentary procedure, the role of municipal government in the regulatory context, and the extent of authority delegated to boards and commissions by City Ordinances. Attendance by members of the Commission and the staff liaison shall be mandatory.

ARTICLE IV - OFFICERS

Section 1 - Presiding Officer

The presiding officer of the Commission shall be the chairman. In all other circumstances the most senior member shall preside.

Section 2 - Election of Chairman

Election of the chairman shall be held during the first meeting of the Municipal Election Commission following a change in membership. The election will be by majority vote. The sitting chairman is eligible for re-election.

Section 3 - Duties of the Chairman

- 3.1 The chairman shall preside over all meetings and preserve order and decorum of the Commission, while promoting discussion by all members in deliberations.
- 3.2 The chairman shall coordinate with City staff and the County Voter Registration and Election Office regarding all matters relating to municipal elections.

ARTICLE V - POLITICAL ACTIVITY

Section 1 - Purpose

The Commissioners by this Article implement rules of conduct designed to balance the right of members in their individual capacities to participate fully in the political process with the compelling need of the City to assure the substance and appearance of impartiality in the municipal electoral process.

Section 2 - Permitted Activities

The following activities are permitted:

1. Full participation in all phases of campaigns, primaries and elections other than for candidates for municipal office or campaigns for municipal referenda including:
 - a. Making financial contributions to candidates, except those in municipal primaries and municipal elections.
 - b. Publicly endorsing candidates, except those in municipal primaries and municipal elections.
 - c. Being a poll watcher for a candidate or political party, except in an election involving a municipal primary or municipal election.
 - d. Working in the campaign of candidates, except in municipal primaries and municipal elections.
2. Full participation in political party organizations and activities including:
 - a. Attending all political party meeting, including precinct meetings, county conventions, state conventions, national conventions and special meetings called by the party, except those involving the process of selecting or promoting candidates for municipal office.
 - b. Holding any office in a political party provided the exercise of the duties of such office does not involve participating in the promotion or selection of candidates for municipal office.
 - c. Making a financial contribution or contribution of personal service to a political party. A contribution; however, could not be made to the political party if it were earmarked or designated for any particular municipal candidate or candidates of that political party.

Section 3 - Activities Not Permitted

The following activities are specifically prohibited:

1. Involvement of any kind in the campaign of any candidate for municipal offices.

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2. Financial contributions or the contribution of personal services to any candidate or candidates for public office in municipal elections.
3. Any public endorsement of any candidate for elected municipal office.
4. Services as a poll watcher for a particular candidate or for a political party in a primary or general election for municipal offices.
5. Services as a poll manager in any election when the election includes the provision of ballots for municipal elected offices.

ARTICLE VI - AMENDMENTS

Bylaws of the Municipal Election Commission may be amended by absolute majority of the total membership of the Commission, subject to the approval of City Council as provided for by municipal ordinance.