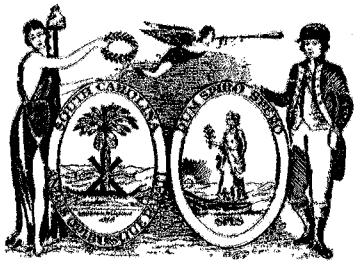
# State of South Carolina
## Executive Department

FILED
AUG 10 2004
Mark Hammond
SECRETARY OF STATE



## Office of the Governor

**EXECUTIVE ORDER NO.**

**2004-16**

**WHEREAS**, on July 10, 2004, the South Carolina Republican Party Executive Committee ("Committee") upheld the decision of the Greenville County Republican Party Executive Committee, acting pursuant to its authority under Article 5, Section 17, Title 7 of the South Carolina Code, to void the Greenville County Council District 18 Republican run-off election held on June 22, 2004, due to voting irregularities; and

**WHEREAS**, on July 30, 2004, candidate Tony Trout filed a petition for writ of certiorari with the South Carolina Supreme Court challenging the Committee's invalidation of the run-off results and request for a new run-off election; and

**WHEREAS**, on August 4, 2004, the Supreme Court denied the petition for certiorari; and

**WHEREAS**, on August 6, 2004, I received a request from the Committee to set a new run-off election for Greenville County Council District 18; and

**WHEREAS,** the Greenville County Election Commission has requested that the new run-off election be held on September 7, 2004, 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**, 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 run-off election be held for Greenville County Council District 18 on September 7, 2004, 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 September 7, 2004, as is permitted by the United States Department of Justice; and (b) designate the Greenville County Election Commission 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 10th DAY OF AUGUST, 2004.**

**MARK SANFORD**
**Governor**

ATTEST:

MARK HAMMOND
SECRETARY OF STATE