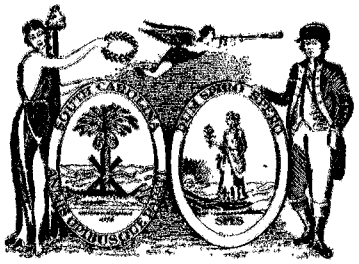
FILED

SEP 20 2004

Mark Hammond
SECRETARY OF STATE

State of South Carolina
Executive Department



Office of the Governor

EXECUTIVE ORDER NO. 2004-28

WHEREAS, the South Carolina Democratic Party Executive Committee ("Executive Committee") overturned the Charleston County Democratic Party's ("County Party") decision to void the Democratic Primary election held on June 8, 2004, for Charleston County Council District 4; and

WHEREAS, the decision of the Executive Committee was appealed to the South Carolina Supreme Court, which filed an opinion on August 25, 2004, reversing the decision of the Executive Committee and reinstating the County Party's decision to hold a new election; and

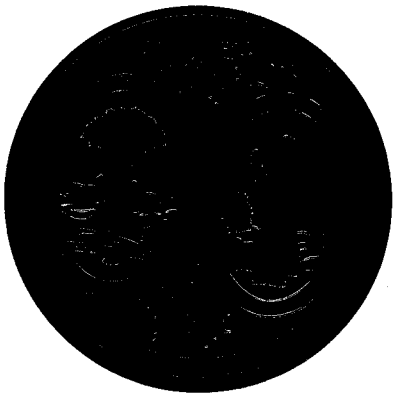
WHEREAS, on August 28, 2004, I received a request from the South Carolina Democratic Party to set a new primary election for District 4; and

WHEREAS, the Charleston County Board of Elections and Voter Registration has requested that the new election be held on November 30, 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, with no actions pertaining to the request for a new election for Charleston 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 for Charleston County Council District 4 on November 30, 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 November 30, 2004, 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 Charleston County Board of Elections and Voter Registration to perform the necessary official duties pertaining to both elections and to declare the results.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF SEPTEMBER, 2004.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE