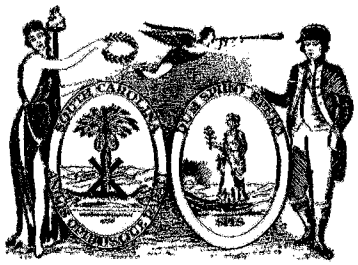
FILED

SEP 7 2004

Mark Hammond
SECRETARY OF STATE

State of South Carolina
Executive Department



Office of the Governor

EXECUTIVE ORDER NO. 2004-25

WHEREAS, the South Carolina Democratic Party Executive Committee ("Executive Committee"), pursuant to its authority under Article 5, Section 17, Title 7 of the South Carolina Code of Laws, (1976), as amended, voided the Democratic Primary election held on June 8, 2004, for Senate District 30; and

WHEREAS, on June 18, 2004, I received a request from the Executive Committee to set a new primary election for Senate District 30; and

WHEREAS, on June 25, 2004, candidate Kent Williams filed an action in the South Carolina Supreme Court and on June 30, 2004, candidate Maggie Glover filed an action in both the South Carolina Supreme Court and the Federal District Court, Florence Division, both challenging the Executive Committee's invalidation of the primary results and request for a new election; and

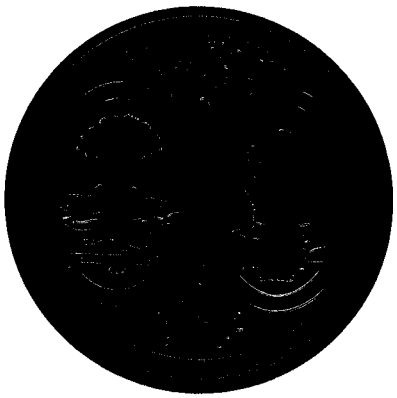
WHEREAS, on July 20, 2004, the Supreme Court denied requests for petitions for certiorari by both candidates, and on September 3, 2004, the Federal District Court dismissed candidate Glover's action; and

WHEREAS, the South Carolina State Election Commission has requested that the new election be held on September 28, 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 Senate District 30 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 Senate District 30 on September 28, 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 28, 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 South Carolina State Election Commission and the applicable local election commissions 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 7th DAY OF SEPTEMBER, 2004.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE