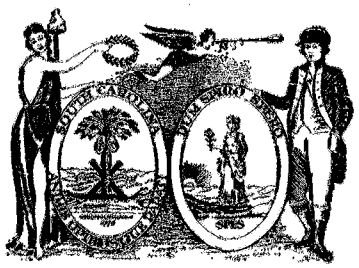
State of South Carolina
Executive Department

FILED

APR 29 2005

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2005-10

WHEREAS, on April 20, 2005, I received a Decision of the South Carolina State Election Commission, in its capacity as the State Board of Canvassers, upholding the Order of the Charleston County Election Commission (Charleston County Board of Elections and Voter Registration) to overturn the January 11, 2005, special election for Charleston County Council District 7 due to voting irregularities that could have changed the outcome of the election; and

WHEREAS, on April 11, 2005, the South Carolina Supreme Court denied a writ of certiorari to hear a challenge to the Decision of the South Carolina State Election Commission thereby upholding its Decision to overturn the January 11, 2005, special election; and

WHEREAS, the Charleston County Board of Elections and Voter Registration ("Board") has requested that a new election be held on Tuesday, July 19, 2005; and

WHEREAS, the Board has stated that, in requesting this date, it has complied 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 election be held for Charleston County Council District 7 on July 19, 2005, subject to pre-clearance approval by the United States Department of Justice, or at the earliest possible date and time after July 19, 2005, as is permitted by the United States Department of Justice; and (b) designate the Charleston County Board of Elections Voter Registration to perform the necessary official duties pertaining to the election to declare the result.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 29th DAY OF APRIL, 2005.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
Secretary of State