

DATE 5-14, 2021

REVIEWED BY  
PREPARED BY

CITY ATTORNEYS OFFICE

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AN ORDINANCE TO AMEND CHAPTER 14, ELECTIONS,  
OF THE CODE OF THE CITY OF ROCK HILL,  
ONLY BY POSTPONING THE 2021 CITY WARD ELECTIONS  
UNTIL AFTER ADOPTION OF A NEW WARD PLAN

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

SECTION 1. That Article I, Section 2 of the U.S. Constitution provides for a decennial census to be used in determining electoral representation.

SECTION 2. That the U.S. Census Bureau duly conducted such census in 2020 but, on February 12, 2021, announced that it would not deliver resulting redistricting data to the states until September 30, 2021, or even later.

SECTION 3. That Sec. 14-9 of the Code of the City of Rock Hill (the Code) requires that the City "shall be divided into six separate wards, as defined and outlined and identified upon a map, to be established hereafter by ordinance."

SECTION 4. That the Equal Protection Clause of the U.S. Constitution requires that representatives to an elected body be drawn from voting districts of substantially equal population, and this guarantee extends to local elections.

SECTION 5. That previous data provided to the City indicates that the populations of the City wards have changed substantially since the last redistricting.

SECTION 6. That the Code further provides, at Sec. 14-7, that a "general election shall be held for election of a mayor and/or councilmembers on the third Tuesday in October in each odd year," and such election would accordingly occur for this year on October 19, 2021.

SECTION 7. That the Code requires the county election commission to publish two notices of general elections, the first notice to appear not later than 60 days before the election, and the second notice to appear not later than two weeks after the first notice and, accordingly, it would be impossible to hold an election on October 19, 2021, with reconfigured wards using the September 30, 2021 census data.

SECTION 8. That the terms for the councilmembers are staggered so that one-half of the council and the mayor are elected in the same election, and the other half of the council is elected two years later.

SECTION 9. That the elections for the mayor and for Rock Hill Wards 4, 5, and 6 were to be held in 2021.

SECTION 10. That a delay in the election for Rock Hill Wards 4, 5, and 6 will serve to establish new ward lines that are constitutionally appropriate; give prospective candidates a reasonable time to ascertain the interests and needs of the ward constituencies; and give the electorate a chance to vote for the candidate that is most closely representative.

SECTION 11. That, as the election for mayor is "at-large," the redistricting of Rock Hill wards would have no effect on the mayoral election.

SECTION 12. That **Chapter 14, Elections,** of the Code be and the same is hereby amended by following the first sentence in **Sec. 14-7, Time for general election,** with the following:

Provided, however, that the 2021 General Election for Council Wards 4, 5, and 6 shall not be held in October 2021, but shall instead be held, subject to the proviso below, on the first Tuesday following the passage of three months after the redistricted wards have been approved by City Council.

Provided further, however, that such elections shall not be held on the following days because of the occurrence of certain City or religious holidays which would interfere with the issuance of ballots and ballot boxes prior to the elections or the certification of election results after the election: the Tuesday before Easter Sunday; and the Tuesdays following Easter Sunday, Memorial Day, Independence Day, and Labor Day.

The terms of office for councilmembers elected in such postponed 2021 election shall end on the normal date for such terms, *i.e.*, January 12, 2026.

SECTION 13. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency, but only as to the postponed 2021 election, and it is contemplated that every election thereafter shall be held in accordance with the Code as unaffected by this Ordinance.

SECTION 14. That this Ordinance shall be and become finally binding immediately after same shall have received first and final readings, given in manner required by law.

DONE AND RATIFIED in Council assembled on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
John Pressly Gettys, Jr., Mayor

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Kathy S. Pender, Mayor Pro Tempore

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John A. Black, III, Councilmember

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Nikita L. Jackson, Councilmember

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Derrick L. Lindsay, Councilmember

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James C. Reno, Jr., Councilmember

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Kevin H. Sutton, Councilmember

ATTEST:

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Anne P. Harty  
Municipal Clerk