

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 08-17-11**
COUNTY OF NEWBERRY)

**AN ORDINANCE ESTABLISHING NEW ELECTORIAL DISTRICTS FOR
THE ELECTION OF MEMBERS OF NEWBERRY COUNTY COUNCIL PURSUANT
TO THE UNITED STATES CENSUS OF 2010 AND IN COMPLIANCE WITH
SECTION 4-9-90, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED.**

**BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY,
SOUTH CAROLINA, IN MEETING DUTY ASSEMBLED:**

ARTICLE I
FINDINGS OF FACT

Section 1.01. Recitals and Statement of Purpose.

Incident to the adoption of this Ordinance, the County Council of Newberry County, South Carolina (the “Council”), the governing body of Newberry County, South Carolina (the “County”), finds, as a fact, that each of the statements hereinafter set forth In Article I is in all respects true and correct.

(a) The United States Department of Commerce has declared final the results of the federal decennial census of 2010 (the “2010 Census”).

(b) In compliance with the United States Constitution, the Constitution of the State of South Carolina, Section, 4-9-90 of the South Carolina Code of Laws, 1976, as amended, and the United States Voting Rights Act of 1965, as amended, the Council has

determined to realign, the electoral districts for the election of members of Council in accordance with 2010 census and is adopting this Ordinance for that purpose.

ARTICLE II

ADOPTION OF PLAN

Section 2.01 New District Lines.

From and after the “Effective Date” of this Ordinance as defined in Article V below, the County shall be divided into seven (7) new districts (the “New Districts”) for the purposes of electing members to the Council. Each New District shall be entitled to elect one (1) member of Council in accordance with Section 4-9-90, South Carolina Code of Laws, 1976, as amended. The New Districts are as defined and delineated on the schedule of precincts and voting districts as shown on the map attached as Exhibit A hereto based on the statistical data contained in Exhibit B attached hereto.

ARTICLE III

IMPLEMENTATION

Section 3.01 Preclearance.

The County Attorney is hereby directed and authorized to submit the plan for the New Districts to the Attorney General of the United States for preclearance pursuant to Section 5 of the United States Voting Rights Act of 1965, as amended. He is hereby directed to request expedited preclearance in accordance with the regulations promulgated thereunder by the Attorney General of the United States.

Section 3.02. 2012 Elections.

The Election Commission of the County is hereby directed, immediately upon the Effective Date hereof, to undertake, by and with the South Carolina Election Commission, all steps necessary for holding elections for members of the Council according to the regular schedule for the general election on November 6, 2012, in such of the New Districts as is required in accordance with Section 4-9-90, South Carolina Code of Laws, 1976, as amended.

ARTICLE IV

REPEAL

Section 4.01 Repeal of Inconsistent Provisions.

The existing ordinance previously adopted by the Council establishing the current districts and any other ordinances of the Council now in effect that are inconsistent with this Ordinance are hereby repealed as of the Effective Date of this Ordinance.

ARTICLE V

EFFECTIVE DATE

Section 5.01. Ordinance Not Effective Until Preclearance.

The provisions of this Ordinance shall become effective upon, and shall not be Effective before, receipt by the Council or the County Attorney of preclearance from the Attorney General of the United States; or on the failure of the Attorney General to interpose an object to the New Districts within the allotted time; or upon the issuance of a declaratory

judgment by the United States District Court for the District of Columbia that the plan for the New Districts is not violative of the United States Voting Rights of 1965, as amended (the first of which to occur being the “Effective Date” of this Ordinance); all in accordance with the United States Voting Rights Act of 1965, as amended, Section 5; provided, however, that Section 3.01 of this Ordinance shall be effective immediately upon adoption of this Ordinance.

AND IT IS SO ORDAINED this day of , 2011, by the Newberry County Council in meeting duly assembled at Newberry , South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Henry H. Livingston, III, Chairman

Attest:

Laurie N. Renwick, Clerk to Council

Reviewed and approved as to form:

FIRST READING: August 17, 2011
SECOND READING:
PUBLIC HEARING:
THIRD READING:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator