

# BOARD OF VOTER REGISTRATION AND ELECTIONS OF GEORGETOWN COUNTY

## Rules of Procedure for Challenges to Legal Qualifications Regarding Registration

S.C. Code of Laws §7-5-230, et seq.

Adopted \_\_\_\_\_, 2019

The County boards of voter registration and elections to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

### 1. ORDER OF HEARING

- a. Call to order.
- b. Adoption of Rules of Procedure.
- c. Statement by the Chairman:
  - i. “South Carolina Code of Laws Section 7-5-230 authorizes this Board to hear appeals made against an elector wherein his/her qualifications for registration are questioned. This Board is neutral and acts as the judge in this matter; the purpose of this hearing is so this Board can render a decision determining whether or not the challenged elector is improperly registered. This Board is utilizing the services of the County Attorney solely to advise it regarding procedural questions unrelated to substantive matters and its final determination, thus it may be necessary to move into executive session for legal advice during the hearing.”
- d. Presentation of Case in Chief by the Protestant, or his/her counsel.
  - i. Presentation of relevant evidence/individual testimony.
  - ii. Presentation of Witness testimony, if any (hearsay shall not be allowed in accordance with the Rules of Evidence as exercised by the South Carolina Court System). At this time the Respondent, or their counsel, shall have the opportunity to cross-examine each witness, if any.
  - iii. Concluding statements.
  - iv. Questions by the Board directly to the Protestant, or his/her counsel.
- e. Presentation of Response by Respondent, or his/her counsel.
  - i. Presentation of relevant evidence/individual testimony.
  - ii. Presentation of Witness testimony, if any (hearsay shall not be allowed in accordance with the Rules of Evidence as exercised by the South Carolina Court System). At this time the Protestant, or their counsel, shall have the opportunity to cross-examine each witness, if any.
  - iii. Concluding statements.
  - iv. Questions by the Board directly to the opposing candidate(s), or his/her counsel.

## 2. DISPOSITION AND CONCLUSION OF HEARING

- a. In accordance with §7-5-320, the Board, by simple majority vote, shall solely determine if the elector/respondent shall be denied a registration, whether it be countywide, within a district, or precinct area.
- b. The Board shall remain in session until a determination has been reached.
- c. All parties to the appeal shall be notified of the Board's decision and a follow-up written notification shall be mailed to each party within 24 hours of the decision.

## 3. MISCELLANEOUS

- a. The Chairman presides over all aspects of the hearing. All questions of procedure and order shall be decided by the Chairman. The Chairman shall have the right to keep decorum during the hearing. The Chairman can limit the time allowed for individual testimony and presentation of evidence if he/she deems necessary. The Chairman shall make determinations in the case of objections based on hearsay and all other evidentiary matters. Evidence and testimony can be placed on the record with an objection noted.
- b. All persons presenting oral testimony to the Board, with the exception of legal counsel, shall be administered an oath. The oath shall be administered as follows with the right hand of the person receiving the oath raised: "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"
- c. These Rules of Procedure are intended to guide the process of the hearing and in no way are meant to circumvent or usurp the South Carolina Code of Laws, as referenced herein. In the event a provision is found to be in conflict with State law, the State law shall prevail.
- d. A record of minutes shall be kept of the hearing in the form of a written transcript.
- e. An appeal by a person denied registration from the determination made by the Board at this hearing shall be made to the Court of Common Pleas, 15<sup>th</sup> Circuit Court as set forth in §7-5-240.