

A RESOLUTION

ADOPTED BY THE BARNWELL COUNTY COUNCIL ON NOVEMBER 8, 2011, TO SUPPORT AND JOIN THE SOUTH CAROLINA ASSOCIATION OF COUNTIES IN FILING AN AMICUS CURIE BRIEF IN SUPPORT OF THE COMPLAINT FILED BY GREENVILLE, SPARTANBURG, BEAUFORT AND CHESTER COUNTIES IN A CIVIL ACTION CAPTIONED BEAUFORT COUNTY ET AL, PETITIONERS, VS THE SOUTH CAROLINA ELECTION COMMISSION ET AL, RESPONDENTS.

BE IT RESOLVED, by the County of Barnwell, South Carolina, by vote of the County Council duly and lawfully assembled on November 8, 2011, that the County supports and joins with the South Carolina Association of Counties in filing an Amicus Curie Brief to support the civil action filed by Greenville, Spartanburg, Beaufort and Chester Counties against the South Carolina Election Commission and other named Respondents filed with the South Carolina Supreme Court on October 17, 2011 challenging the legal authority of the South Carolina Election Commission and the State to mandate the County Election Commission to conduct a Presidential Preference Primary;

BE IT FURTHER RESOLVED, that the County of Barnwell opposes such action because it is an illegal unfunded mandate imposed by an Executive Agency of State Government to force a County Legislative Body to use public funds raised through taxes imposed on the residents and citizens of this County to pay for a private entity's function, a political party primary. Such action is a dangerous violation of the Separation of Powers Doctrine which would subject a county government to levy taxes to pay for programs never approved by the local legislative body but imposed by the State. One level of government (the State) cannot and should not force another level of government (a County) to raise taxes to benefit a program adopted by the State. There can be no accountability for the actions of government if this is permitted and people will lose faith in their governmental institutions.


This 8th day of November, 2011.

ATTEST:

BARNWELL COUNTY COUNCIL



Kim A. Futrell, Clerk to Council

By: 
Travis Black, Chairman