~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2010

**H. 3059**

Introduced by Rep. Herbkersman

S. Printed 5/26/10--S.

Read the first time April 20, 2010.

**A** **BILL**

TO AMEND SECTION 7‑1‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN SOUTH CAROLINA ELECTION LAW, SO AS TO DELETE THE DEFINITION “CLUB DISTRICT”; TO AMEND SECTION 7‑5‑460, RELATING TO CUSTODY OF BOOKS AND THEIR RETURN AFTER AN ELECTION, SO AS TO DELETE A REFERENCE TO A “CLUB” AS AN ENTITY TO WHOM THE BOOKS ARE RESPONSIBLE; TO AMEND SECTIONS 7‑9‑20, 7‑9‑30, AS AMENDED, 7‑9‑40, 7‑9‑50, AS AMENDED, 7‑9‑60, AND 7‑9‑70, RELATING TO CLUBS IN PARTY ORGANIZATIONS, SO AS TO DELETE REFERENCES TO PARTY CLUBS WHICH CLARIFIES THE ORGANIZATIONAL RELATIONS WITH ELECTION PRECINCTS; TO PROVIDE THAT ALL ELECTED PRECINCT COMMITTEEMEN MAY VOTE ON QUESTIONS BEFORE THE COUNTY COMMITTEE, TO PROVIDE THAT THE CHAIRMAN MAY VOTE IN THE CASE OF A TIE, AND TO PROVIDE THAT AN ELECTED OFFICER OF THE COUNTY COMMITTEE WHO IS NOT A PRECINCT COMMITTEEMAN MAY VOTE DE FACTO, AND TO CLARIFY THE ELECTION PRECINCTS ORGANIZATIONAL RELATIONSHIP; AND TO AMEND SECTION 7‑13‑170, RELATING TO THE PROCEDURE WHEN A MANAGER FAILS TO ATTEND THE PLACE WHICH HAS BEEN SCHEDULED FOR HOLDING A POLL, SO AS TO DELETE THE TERM “CLUB” FROM THE QUALIFYING MEMBER TO BECOME A MANAGER IN THE PLACE OF ABSENT MANAGERS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 7‑1‑20 of the 1976 Code is amended to read:

“Section 7‑1‑20. The following words and phrases ~~used herein~~, unless the same be plainly inconsistent with the context, shall be construed as follows:

(1) ‘General election’ means the election ~~provided herein~~ to be held for the election of officers to the regular terms of office provided by law, whether State, United States, county, municipal, or of any other political subdivision of the State, and for voting on constitutional amendments proposed by the General Assembly~~;~~.

(2) ‘Special election’ means any other election including any referendum provided by law to be held under the provisions of law applicable to general elections~~;~~.

(3) ‘Primary’ means a party primary election held by a political party under the provisions of this title~~;~~.

(4) ‘Inhabitants’ means the number of inhabitants according to the federal census last taken~~;~~.

(5) ‘Electoral board’ means the board or other authority empowered to hold a general or special election~~;~~.

(6) A ‘voting or polling precinct’ ~~shall mean~~ means an area created by the legislature for convenient localization of polling places and which ~~shall be administered~~ administers and counts votes ~~counted~~ therein as a local unit in all elections~~;~~.

A ‘voting place’ ~~shall be any~~ is a place within a voting or polling precinct ~~wherein~~ where ballots may be cast.

(7) ‘Political party’ means a political party, organization, or association certified ~~as such~~ by the State Election Commission ~~in the manner~~ as provided for in this title~~;~~.

(8) ‘State committee’ means the state executive committee of a political party~~;~~.

(9) ‘State chairman’ means the chairman of the state executive committee of a political party~~;~~.

(10) ‘County committee’ means the county executive committee of a political party~~;~~.

(11) ‘County chairman’ means the chairman of the county executive committee of a political party~~;~~.

(12) ~~‘Club district’ means the territory of the general election voting place or precinct in which the political party club is formed under this Title, whether a ward or township or a subdivision thereof;~~

~~(13)~~ ‘Booth’ includes a voting machine booth, curtain, or enclosure~~; and~~.

~~(14)~~(13) ‘Legal holiday’ means ~~any~~ a holiday recognized by ~~the~~ state or federal law.

~~(15)~~(14) ‘Voter’, ‘registered voter’, ‘elector’, ‘registered elector’, ‘qualified elector’, or ‘qualified registered elector’ means ~~any~~ a person whose name is contained on the active roster of voters maintained by the State Election Commission and whose name has not been removed from the roster for any of the reasons named in ~~items (2) and (3) of subsection (C) of~~ Section 7‑3‑20(C)(2) and (3) and who possesses a valid registration certificate.”

SECTION 2. Section 7‑5‑460 of the 1976 Code is amended to read:

“Section 7‑5‑460. The commissioners of election or the county committee, as the case may be, shall turn over ~~such~~ registration books to the election managers ~~of election~~ of each polling precinct ~~or club~~, who ~~shall be~~ are responsible for the care and custody of ~~such~~ these books and the return ~~thereof~~ of them within three days after ~~such~~ the election. The commissioners of election or the county committee, as the case may be, shall return ~~such~~ the books to the board of registration ~~prior to~~ before the day on which the books of registration are next required by law to be opened by the board of registration and ~~in no event~~ not later than twenty days after ~~such~~ the election.”

SECTION 3. Section 7‑9‑20 of the 1976 Code is amended to read:

“Section 7‑9‑20. The qualifications for membership in a certified party and for voting at a party primary election include the following: the applicant for membership, or voter, must be at least eighteen years of age or become so before the succeeding general election, and must be a registered elector and a citizen of the United States and of this State. ~~No~~ A person may not ~~belong to any party club or~~ vote in ~~any~~ a primary unless he is a registered elector. The state convention of any political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if ~~such~~ the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.”

SECTION 4. Section 7‑9‑70 of the 1976 Code is amended to read:

“Section 7‑9‑70. A county ~~conventions~~ convention must be held during a twelve‑month period ending March thirty‑first of ~~every~~ each general election year during a month determined by the state committee as provided in Section 7‑9‑100. The county committee shall set the date, time, and location during the month designated by the state committee for the county convention to be held~~;~~. ~~however,~~ The date set by the county committee for the county convention must be at least two weeks ~~prior to~~ before the state convention. When a month in a nongeneral election year is chosen for the county convention, it must be held for the purpose of reorganization only. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by county committee. Notices, both for the convention to be held for reorganization and for the reconvened convention to nominate candidates, must be published by the county committee, once a week for two consecutive weeks, not more than three nor less than two weeks, before the day in a newspaper having general circulation in the county. ~~The convention must be composed of delegates elected from the clubs in the county, one delegate for every twenty‑five members and major fraction thereof, based upon the number of votes polled in the first primary of the preceding general election year or based upon the number of votes for presidential electors at the last preceding general election therefor from the precinct as determined by the state committee. The same basis must be used in all precincts; or if the last preceding nominations were by convention, the representation must be based upon the number of votes for presidential electors at the last preceding general election therefor from the precinct. The list of delegates certified to by the president and secretary of each club shall constitute the temporary roll of the county convention. Where new precincts have been created or where the areas of precincts have been redefined, the party executive committee of the affected counties shall apportion delegates from the clubs representing the precincts.~~”

SECTION 5. Section 7‑13‑170 of the 1976 Code is amended to read:

“Section 7‑13‑170. ~~In case~~ If all of the managers ~~shall~~ fail to attend at the same time and place appointed for holding ~~such~~ the poll, or shall refuse or fail to act, or ~~in case~~ if no manager has been appointed for ~~such~~ the poll, it ~~shall be~~ is lawful for the voters present at the precinct voting place on that day to appoint from among the qualified voters of ~~such~~ the precinct ~~or club~~ the managers to act as managers in the place and stead of the absent managers, and any one of the managers ~~so~~ appointed shall administer the oath to the other managers. But if the duly appointed managers attend in a reasonable time, they shall take charge of and conduct the election.”

SECTION 6. Sections 7‑9‑30, 7-9-40, 7-9-50, and 7-9-60 of the 1976 Code are repealed.

SECTION 7. Notwithstanding the effective date of Act 138 of 2010, the amendments to Section 7-7-380 contained in Act 138 of 2010 do not take effect until July 15, 2010.

SECTION 8. This act takes effect upon approval by the Governor.

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