~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 5, 2014

**S. 866**

Introduced by Senator L. Martin

S. Printed 3/5/14--S. [SEC 3/6/14 12:39 PM]

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 866) to amend Chapter 5, Title 7, South Carolina Code of Laws, 1976, relating to county election commissions and boards of voter registration, to replace current county election commissions, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 34-42 and page 2 by striking lines 1-2 and inserting:

/ upon the recommendation of a majority of the weighted vote of the Senate legislative delegation and a majority of the weighted vote of the House of Representatives legislative delegation of the counties, not less than ~~three~~ five nor more than ~~five~~ nine competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of County’. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly. /

Amend the bill further, as and if amended, page 2 by striking lines 27-29 and inserting:

/ (2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee shall immediately notify the Governor who shall then remove the member from office. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III SHANE R. MARTIN

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Election Commission reports that this bill will have no fiscal impact on the general fund of the state.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76, the State Budget Division surveyed counties to assess the impact of this bill. Two counties responded and both indicated there would be no fiscal impact with this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND CHAPTER 5, TITLE 7, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO COUNTY ELECTION COMMISSIONS AND BOARDS OF VOTER REGISTRATION, TO REPLACE CURRENT COUNTY ELECTION COMMISSIONS AND REGISTRATION BOARDS, TO DEVOLVE THEIR RESPONSIBILITIES AND AUTHORITY TO A COMBINED BOARD OF VOTER REGISTRATION AND ELECTIONS FOR EACH COUNTY, TO PROVIDE FOR THE APPOINTMENT OF BOARD MEMBERS, AND TO ESTABLISH TERMS, DUTIES, AND AUTHORITY FOR THE BOARDS; TO REPEAL SECTION 7‑5‑35 AND SECTION 7‑13‑70; AND TO REPEAL CHAPTER 27, TITLE 7 RELATING TO INDIVIDUAL COUNTY BOARDS AND COMMISSIONS.

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

SECTION 1. Section 7-5-10 of the 1976 Code is amended to read:

“Section 7-5-10. (A)(1) Between the first day of January and the fifteenth day of March in each even-numbered year the Governor shall appoint, ~~by and with the advice and consent of the Senate~~ upon the recommendation of a majority of both the Senate and House of Representatives legislative delegations of the counties, not less than ~~three~~ seven nor more than ~~five~~ nine competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of County’. At least one appointee on the board must represent the largest political party, and one must represent the second largest political party as determined by the composition of that county’s delegation in the General Assembly or the makeup of the General Assembly as a whole if the county’s delegation is composed of only one party’s members.

(2) After their appointment, the board members must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.’

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(3) A member who misses three consecutive meetings of the board is considered to have resigned his office and may not serve in holdover status.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board may hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions and voter registration boards, or combined boards are abolished. The powers and duties of the county commissions and boards of election and voter registration are devolved upon the Board of Voter Registration and Elections for each county created in subsection (A). Those members currently serving on the county boards of election, voter registration commissions, or combined boards shall continue to serve in a combined governing capacity until the successor board members established under this section are appointed and qualify.

~~(B)~~(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

~~(2)(a)~~ ~~The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b)~~ ~~Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i)~~ ~~eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii)~~ ~~ninety days after the effective date of this section.~~

~~(c)~~ ~~On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3)~~(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

~~(4)~~(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.”

SECTION 2. Section 7-5-20 of the 1976 Code is amended to read:

“Section 7-5-20. The board of voter registration and elections of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. The clerk to each board may be made a deputy member of the board for the purpose of taking applications.”

SECTION 3. Section 7-5-30 of the 1976 Code is amended to read:

“Section 7-5-30. Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. Provided, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. One member of the board shall constitute a quorum for the purpose of registering or refusing to register applications for registration. ~~Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify. In case of a vacancy from any cause in any board of registration the Governor shall fill such vacancy in the same manner as provided in Section 7‑5‑10.~~”

SECTION 4. Section 7-5-35 of the 1976 Code is repealed.

SECTION 5. Section 7-13-70 of the 1976 Code is repealed.

SECTION 6. Chapter 27, Title 7 of the 1976 Code is repealed.

SECTION 7. The code commissioner is directed to change all references in Title 7 to county election commissions or commissioners or county boards of voter registration to the “Board of Voter Registration and Elections of County” and board members as appropriate.

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

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