CHAPTER 5

Secretary of State

**SECTION 1‑5‑10.** Compensation.

 The Secretary of State shall receive such annual salary as may be provided by the General Assembly, and the fees or perquisites of the office shall be paid into the Treasury of the State.

HISTORY: 1962 Code Section 1‑201; 1952 Code Section 1‑201; 1942 Code Section 3101; 1932 Code Section 3101; Civ. C. ‘22 Section 783; Civ. C. ‘12 Section 699; G. S. 483, 484; R. S. 546, 547; 1786 (4) 751; 1865 (13) 350; 1924 (33) 1182; 1948 (45) 1716; 1954 (48) 1566; 1957 (50) 404; 1969 (56) 444; 1973 (58) 623.

CROSS REFERENCES

Duties of Secretary of State in connection with registration of foreign limited partnerships, see Sections 33‑42‑10 et seq.

Fees and costs of Secretary of State, see Section 8‑21‑110.

Specific amounts of compensation, see Section 1‑1‑1210.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k60(1).

States 60(1).

NOTES OF DECISIONS

In general 1

1. In general

The General Appropriation Act, 1970 Act No. 984 [1970 (56) 2085], suspended the permanent statute fixing the salaries of the constitutional officers until July 1, 1971, but did not repeal the permanent statute either expressly or by implication. State ex rel. McLeod v. Mills (S.C. 1971) 256 S.C. 21, 180 S.E.2d 638.

A permanent continuing statute fixing the compensation of a public officer is a valid appropriation for the salaries provided in such statute. State ex rel. McLeod v. Mills (S.C. 1971) 256 S.C. 21, 180 S.E.2d 638.

**SECTION 1‑5‑20.** Bond.

 The Secretary of State, before entering upon the duties of his office, shall execute a bond with two or more good sureties in the penal sum of ten thousand dollars for the faithful discharge of the duties of his office.

HISTORY: 1962 Code Section 1‑202; 1952 Code Section 1‑202; 1942 Code Section 3101; 1932 Code Section 3101; Civ. C. ‘22 Section 783; Civ. C. ‘12 Section 699; G. S. 483, 484; R. S. 546, 547; 1786 (4) 751; 1865 (13) 350; 1924 (33) 1182.

CROSS REFERENCES

Oath and bond of clerks, etc., in the office of the Secretary of State, see Section 8‑11‑20.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k48.

States 48.

C.J.S. States Sections 83, 91.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Officers and Public Employees Section 24, Bond.

**SECTION 1‑5‑30.** Responsibility for executive records and papers.

 The Secretary of State shall, during the absence of the Governor from Columbia, be placed in charge of the records and papers in the executive chamber. He shall keep in Columbia all the books, records and papers belonging thereto.

HISTORY: 1962 Code Section 1‑204; 1952 Code Section 1‑204; 1942 Code Section 3101; 1932 Code Section 3101; Civ. C. ‘22 Section 783; Civ. C. ‘12 Section 699; G. S. 483, 484; R. S. 546, 547; 1786 (4) 751; 1865 (13) 350; 1924 (33) 1182.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k73.

States 73.

C.J.S. States Sections 130 to 136, 140.

**SECTION 1‑5‑40.** Duty to monitor state boards and commissions; certification of dates of terms of office.

 (A) The office of Secretary of State is designated as the state office whose responsibility it is to monitor positions on the state boards and commissions specified in this subsection and any elected or appointed state boards and commissions established after the effective date of this section. The dates of the terms of office for appointments to boards and commissions made with the advice and consent of the Senate are the dates as certified to the Secretary of State by the Senate. The dates of the terms of office for all other elected or appointed boards and commissions are the dates certified to the Secretary of State by the Governor for his direct appointments and the dates for the terms of office for members of boards and commissions elected by the General Assembly shall be the dates as certified to the Secretary of State by the clerks of the two houses. The specified boards and commissions referred to in this subsection are:

 (1) Accountancy, Board of

 (2) Aging, Division on Advisory Council

 (3) Agriculture Commission

 (4) Architectural Examiners, State Board of

 (5) Arts Commission

 (6) Athletic Commission

 (7) Auctioneer’s Commission

 (8) Accessibility Committee for the Building Codes Council

 (9) Blind, Commission for the

 (10) Builders Commission, Residential

 (11) Building Code Council

 (12) College of Charleston Board of Trustees

 (13) Children’s Trust Fund Board of Trustees

 (14) Children, Foster Care Review Board

 (15) Chiropractic Examiners, State Board of

 (16) The Citadel Board of Visitors

 (17) Clemson University Board of Trustees

 (18) Coastal Carolina University Board of Trustees

 (19) Consumer Affairs, Commission on

 (20) Contractors’ Licensing Board

 (21) Cosmetology, State Board of

 (22) Professional Counselors, Associate Counselors and Marital and Family Therapists, State Board of Examiners

 (23) Deaf and Blind, School for the

 (24) Dentistry Board

 (25) Disabilities and Special Needs Commission

 (26) Education, State Board of

 (27) Education Board, Southern Regional

 (28) Education Council

 (29) Educational Television Commission

 (30) Election Commission

 (31) Department of Employment and Workforce

 (32) Registration for Professional Engineers and Land Surveyors

 (33) Environmental Certification Board

 (34) Ethics Commission

 (35) Financial Institutions, Board of

 (36) Fisheries Commission, Atlantic States Marine

 (37) Office of General Services, State Fleet Management

 (38) Forestry Commission

 (39) Francis Marion University Board of Trustees

 (40) Funeral Service Board

 (41) Geologists, Board of Registration for

 (42) Governor’s Mansion and Lace House Commission

 (43) DHEC

 (a) Board of Health and Environmental Control

 (b) Office of Ocean and Coastal Resource Management Board

 (44) Higher Education Commission

 (45) Holocaust, Council on the

 (46) Housing, Finance and Development Authority

 (47) Human Affairs Commission

 (48) Indigent Defense, Commission on

 (49) Intergovernmental Relations, Advisory Commission on

 (50) Jobs and Economic Development Authority

 (51) John de la Howe School

 (52) Judicial Merit Selection Commission

 (53) Juvenile Justice, Dept. of, Board of Juvenile Parole

 (54) Lander University Board of Trustees

 (55) Law Examiners Board

 (56) Legislative Audit Council

 (57) Library Board

 (58) Liquefied Petroleum Gas Board

 (59) Long Term Health Care Administrators, Board of

 (60) Manufactured Housing Board

 (61) Maternal, Infant and Child Health, Council on

 (62) Medical Examiners, Board of

 (63) Medical University of South Carolina Board of Trustees

 (64) Mental Health, State Department of, Commission

 (65) Migrant Farm Workers Commission

 (66) Mining Council

 (67) Minority Affairs, Commission for

 (68) Museum Commission

 (69) Natural Resources, Department of

 (a) Natural Resources Board

 (b) Heritage Trust Advisory Board

 (70) Nuclear Advisory Council

 (71) Nursing, Board of

 (72) Occupational Health and Safety Review Board

 (73) Occupational Therapy, Board of

 (74) Old Exchange Building Commission

 (75) Opportunity School, Wil Lou Gray Board of Trustees

 (76) Opticianry, Board of Examiners in

 (77) Optometry, Board of Examiners in

 (78) Patriots Point Development Authority

 (79) Pharmacy, Board of

 (80) Physical Therapy Examiners, State Board of

 (81) Podiatry Examiners, Board of

 (82) Ports Authority Board

 (83) Prisoner of War Commission

 (84) Probation, Parole and Pardon Services, Board of

 (85) Prosecution Coordination, Commission on

 (86) Psychology, Board of Examiners in

 (87) Public Service Authority, Board of Directors

 (88) Public Service Commission

 (89) Pyrotechnic Safety, Board of

 (90) Radiation Control Technical Advisory Council

 (91) Real Estate Commission

 (92) Real Estate Appraisers Board

 (93) Reorganization Commission

 (94) Salary, Executive and Performance Evaluation Commission

 (95) Social Work Examiners, Board of

 (96) South Carolina State University Board of Trustees

 (97) Speech‑Language Pathology and Audiology, Board of Examiners

 (98) Tax Board of Review

 (99) Technical and Comprehensive Education, Board for

 (100) Transportation Department Commission

 (101) University of South Carolina Board of Trustees

 (102) Veterinary Medical Examiners, Board of

 (103) Vocational Rehabilitation, Board of

 (104) Winthrop University Board of Trustees

 (105) Women, Governor’s Office, Commission on

 (106) Workers’ Compensation Commission

 (107) South Carolina First Steps to School Readiness Board of Trustees.

 (B) The Secretary must keep in a public record available for inspection an up‑to‑date compilation of the membership of the boards and commissions listed in subsection (A) and information about the memberships received from state boards and commissions pursuant to Section 1‑1‑1310 so that members of the General Assembly and interested citizens may be informed of the current composition of these boards and commissions. This compilation must include:

 (1) length of term for each office;

 (2) the month and year in which terms have expired or will expire;

 (3) terms which have expired;

 (4) vacancies;

 (5) the body or authority which elects or appoints, as appropriate;

 (6) any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and

 (7) any additional information received from state boards or commissions as required by Section 1‑1‑1310.

 (C) The Secretary must publicize vacancies, expired terms, and those terms expiring within one year on a semiannual basis statewide.

HISTORY: 1998 Act No. 368, Section 1; 2002 Act No. 182, Section 2; 2014 Act No. 287 (H.3428), Section 22, eff June 18, 2014.

Code Commissioner’s Note

Pursuant to the directive to the Code Commissioner in 2010 Act No. 146, Section 122, “Department of Employment and Workforce” was substituted for all references to “Employment Security Commission”, and “Executive Director of the Department of Employment and Workforce” or “executive director” was substituted for all references to the “Chairman of the Employment Security Commission” or “chairman” that refer to the Chairman of the Employment Security Commission, as appropriate.

Effect of Amendment

2014 Act No. 287, Section 22, added subsection (A)(107), related to the South Carolina First Steps to School Readiness Board of Trustees.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k51; 360k73.

States 51, 73.

C.J.S. States Sections 61, 87, 92, 130 to 136, 140.

**SECTION 1‑5‑50.** Fees for searching or copying records.

 The Secretary of State may establish and collect fees, not to exceed the actual cost of searching for or making copies of records. These records must be furnished at the lowest possible cost to the person requesting the records. The agency also may charge a reasonable hourly rate for making records available to the public and require a reasonable deposit of such costs before searching for or making copies of the records. Fees collected pursuant to this section may be retained by the agency and used to defray the expenses associated with purchasing and maintaining computer and telephone facsimile equipment and rent.

HISTORY: 2002 Act No. 356, Section 1, Pt VII.A.

LIBRARY REFERENCES

Westlaw Key Number Search: 326k68.

Records 68.

C.J.S. Records Sections 119 to 120, 128 to 131.

**SECTION 1‑5‑60.** Fees associated with collection of dishonored checks.

 The Secretary of State may establish, collect, and retain fees to recover the costs associated with the collection of dishonored checks returned to the agency due to insufficient funds. These fees must be retained and expended by the agency to defray collection expenses and any unused amount must be carried forward to the succeeding fiscal year and used for the same purposes.

HISTORY: 2002 Act No. 356, Section 1, Pt VII.B.