

November 7, 2017

The Honorable Edward R. Tallon, Sr., Chairperson
Law Enforcement and Criminal Justice Subcommittee
Legislative Oversight Committee
South Carolina House of Representatives
P.O. Box 11867
Columbia, S.C. 29211

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Dear Representative Tallon:

The South Carolina State Election Commission (SEC) was listed as an agency that could be impacted by Law Recommendations from the Department of Natural Resources. Specifically, Law Recommendation #19: S.C. Code Ann. 48-9-1220 and Law Recommendation #20: S.C. Code Ann. 48-9-1250. SEC responses are listed below.

Law Recommendation# 19: S.C. Code Ann. 48-9-1220

Recommendation and rationale for recommendation: Amend. The electors are now determined by the State Election Commission. July 15 is the requirement for the state election commission for ballots to be submitted.

SECTION 48-9-1220. Nomination and election of commissioners. Effective November, 1982, and in November of the appropriate years thereafter, three commissioners from each district must be elected. The election must be nonpartisan and must be conducted by the county election commission at the same time as other county officers are elected in the general election. To be placed on the ballot for county offices, each candidate shall submit to the county election commission a nominating petition with the signatures of one hundred qualified registered electors or one percent of the qualified registered electors of the district, whichever is lesser. ~~The official number of qualified registered electors of the geographical area of any office is the number of registered electors of the area registered one hundred twenty days before the date of the election for which the nomination petition is being~~ submitted.

The nominees in the petition must be placed on the appropriate official ballot for the election if the petition is submitted to the county election commission not later than twelve noon on ~~August first or, if August first falls on Sunday,~~ July 15, if July 15

falls on Sunday, not later than twelve noon on the following Monday. The form of the petition must comply with the requirements in Section 7-11-80 pertaining to the conduct of general elections not conflicting with this section. Candidates must be qualified registered electors and residents of the district in which elected. The three candidates who receive the largest number of votes cast in the election are elected and shall assume office the following February first. This election must be conducted pursuant to Title 7, mutatis mutandi, except as otherwise provided for in this section. Effective with the 1990 election, the two candidates who receive the highest number of votes shall serve for terms of four years each and the other candidate who receives the next highest number of votes shall serve for a term of two years. Thereafter, their successors must be elected in a nonpartisan election to be held at the same time as the general election for terms of four years each.

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: State Election Commission, Soil and Water Conservation District Commissioners.

SEC Response: The SEC supports changing the date a petition must be submitted to be consistent with S.C. Code Ann. 7-13-351. However, S.C. Code Ann. 7-13-351 states "...if July 15 falls on a Saturday or Sunday...". The proposed change only includes if July 15 falls on a Sunday. The SEC recommends adding Saturday to the recommendation. Also, the deleted portion of this statute is also included in S.C. Code Ann. 7-11-70, thus the SEC does not see the need for the deletion.

Law Recommendation # 20: S.C. Code Ann. 48-9-1250

Recommendation and rationale for recommendation: Amend. The Commission does not use the agricultural agent as their secretary, nor do they utilize their offices. This is an antiquated statute.

~~SECTION 48-9-1250. Use of county agricultural agents; ~~o~~Other agents and employees; legal services. Each county agricultural agent may be the secretary to the board of commissioners of each district within his county. The commissioners may also utilize in other respects the services of the agricultural agents and the facilities of the county agricultural agent's offices insofar as practicable and feasible and employ such additional employees and agents, permanent and temporary, as they may require and shall determine their qualifications, duties and compensation. The commissioners may delegate to their chairman or to one or more agents, or employees such powers and duties as they may deem proper. The commissioners may call upon the Attorney General of the State for such legal services as they may require or may employ their own counsel and legal staff.~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: State Election Commission, Department of Agriculture, Attorney General, Soil and Water Conservation District Commissioners.

SEC Response: No impact on SEC.

Should the Subcommittee have any additional questions regarding the Law Recommendations, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Marci Andino". The signature is written in a cursive, flowing style.

Marci Andino
Executive Director

/mba