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**Executive Subcommittee of the Legislative Oversight Committee
Monday, July 31, 2017 10:00 am
Blatt Room 110**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. Subcommittee Chairman Gary E. Clary calls the Executive Subcommittee meeting to order on the morning of Monday, July 31, 2017, in Room 110 of the Blatt Building. The following members of the Subcommittee are present during all or part of the meeting: Subcommittee Chairman Clary, Representative Funderburk, Representative Newton, and Representative Williams.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Newton moves to approve the minutes from the June 27, 2017 Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Newton moves to approve the minutes from the Subcommittee's June 27, 2017 meeting:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

Discussion of the State Election Commission

- I. Chairman Clary explains the purpose of today's meeting is for the State Election Commission to provide an update on the request the agency received from the Presidential Advisory Commission on Election Integrity; as well as the recent request from the U.S. Department of Justice; discuss potential recommendations and findings; and hear any constituent testimony.
- II. Chairman Clary reminds agency personnel, and any other persons who were sworn in during prior meetings, that they remain under oath anytime they are with the Subcommittee or Committee.
- III. State Election Commission Director Marci Andino presents a brief background on the request from the Presidential Advisory Commission on Election Integrity and the U.S. Department of Justice, and provides an update on the current status of the agency's communication with these federal entities.
- IV. The Subcommittee discusses potential recommendations and findings one by one, entertaining any related motions at the end of the discussion of each.

Subcommittee members make the various motions listed below related to potential recommendations and findings. Each passes after a roll call vote.

The State Election Commission requests the Subcommittee adopt Items A.

<u>A. Certification of Candidates</u> Rep. Funderburk moves the Subcommittee study include a recommendation that the August 15th requirement for certifying candidates in a statewide general election apply to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission requests the Subcommittee adopt Item B.

<u>B. Closing Registration Books</u> Rep. Funderburk moves the Subcommittee study include a recommendation, as outlined by the State Election Commission in the agency recommendations document, to change the deadline to register to vote from 30 days to 25 days by amending SC Code Ann. § 7-5-150; -155; -185, -220, and -330.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission requests the Subcommittee adopt Item C.

<u>C. Substitution of Party Nominee</u> Rep. Williams moves the Subcommittee study include a recommendation, based on the agency's recommendation, to limit the time prior to an election when a candidate may resign for the reasons stated in § 7-11-50 and time frame for when a substitute candidate may be nominated by updating statutes.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission requests the Subcommittee adopt Item D. The South Carolina Association of Registration and Election Officials submits a letter supporting the standardization of municipal general elections to a single date. The Municipal Association of South Carolina testifies in support of standardization of municipal general elections to a menu of dates from which municipalities may choose.

<u>D. Municipal Elections</u> Rep. Funderburk moves the Subcommittee study include a recommendation that General elections of municipalities be standardized to a single, or no more than three, dates in an odd numbered year.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission requests the Subcommittee adopt Item E.

<u>E. Partisan and Non-Partisan Primaries</u> Rep. Newton moves the Subcommittee study include a recommendation that statutes be updated so non-partisan primaries shall not be held on the same day as partisan primaries.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission supports adoption of Item F.

<u>F. Orientation for County Board</u> Rep. Newton moves the Subcommittee study include a recommendation to update SC Code Section 7-5-10(D)(1) and (2) to require each County Election Board Member participate in an orientation approved by the State Election Commission within thirty days of the individuals appointment to the County Board; failure of which requires removal of the member by the Governor as removals are currently outlined in statute.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission supports adoption of Item G.

<u>G. Yes/No Box on Voter Registration Application</u> Rep. Funderburk and Rep. Williams move the Subcommittee study include a recommendation to revise the mailed and in-office voter registration applications to include a “Yes” and “No” box beside each voter eligibility qualification, similar to the boxes that currently appear by the “Are you 18?” and “Are you a U.S. Citizen?” to ensure it is clear to those registering that they are saying yes to each qualification.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission supports adoption of Item H.

<u>H. Mental Incompetence Notification from Courts</u> Rep. Williams moves the Subcommittee study include a recommendation to update internal operations at the State Election Commission to ensure the agency receives notification when a Court deems an individual mentally incompetent from Probate Court Judges, or other entities, such as the State Law Enforcement Division, which the Courts notify, so the agency may update the voter registration database and move those individuals deemed mentally incompetent from active to inactive status.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

Item I. in the chart of potential recommendations and findings is a recommendation the Subcommittee adopted during its May 9, 2017 meeting which both the State Election Commission and Revenue and Fiscal Affairs support.

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item J.

<u>J. No Annexation impacting line SCGS is mapping while SCGS is mapping</u> Rep. Newton moves the Subcommittee study include a recommendation to update statutes to prevent the following two actions from occurring simultaneously: (1) a county annexing property that would impact an individual boundary line of a county; and (2) South Carolina Geodetic Survey mapping the geographic coordinates of the same individual boundary line. If a county wishes to annex property, they may begin the annexation process as outlined in Chapter 5, Title 4, before or after the date the geographically positioned individual boundary line takes effect as outlined in Section 27-2-105(B)(6).	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item K.

<u>K. Include Geographic Coordinates in any Future Annexations</u> Rep. Newton moves the Subcommittee study include a recommendation to update statutes so after the SC Geodetic Survey Office (SCGS) geographically positioned boundary line takes effect, (1) any future annexations impacting that line include geographic coordinates and descriptions of the proposed new line, which SCGS will verify, as part of the information available to those within the counties who are voting on the annexation, and (2) within 30 days of the certification of election results approving an annexation, counties must provide the geographic coordinates and description of the new boundary line to SCGS who will update the official map.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item L.

<u>L. Additional Entities Notified of Geographic Positions of Boundary</u> Rep. Williams moves the Subcommittee study include a recommendation to add a provision to SC Code Section 27-2-105(B)(6) that requires the Revenue and Fiscal Affairs Office to email a copy of the correspondence it sends the Register of Deeds pursuant to SC Code Section 27-2-105(B)(6), to the following additional entities to ensure all parties receive the information: (a) State Election Commission and County Registration and Election Boards; (b) County Council; (c) County Assessor; (d) County Emergency Services; and (e) all affected School Boards.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item M.

<u>M. Revised Finding - Differences in Interpretations May Cause Taxation without Representation</u> Rep. Williams moves to revise the language to a finding adopted by the Subcommittee on May 9, 2017, to read, “Until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as laid out in statute, practical problems may arise under various interpretations of a county boundary including but not limited to taxation and representation. The Subcommittee's recommendations are intended to address those problems.”	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item N.

<u>N. County Follows Geographically Positioned Map</u> Rep. Funderburk moves the Subcommittee study include a recommendation to add provisions in statute which require a County Council, within 180 days of receiving the geographically positioned boundary (which may only be one boundary line of the county and not the county's entire boundary) from South Carolina Geodetic Survey (SCGS), to provide written confirmation to Revenue and Fiscal Affairs (RFA) that the county has taken any and all necessary steps, which may include grandfathering in certain residents for periods of time as long as those residents are not being taxed in an area in which they cannot vote, to adhere to the boundary for all purposes, including but not limited to, elections, tax assessments, emergency services, school districts, and permits.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item O.

<u>O. Update Voter Database based on Geographically Positioned Map</u> Rep. Funderburk moves the Subcommittee study include a recommendation to analyze current laws and short term revisions to allow an efficient and effective update of official voter lists necessary as South Carolina Geodetic Survey Office geographically positions county boundaries pursuant to the boundary description in statute.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item P.

<u>P. Private Cause of Action for Taxation Outside Geographically Positioned Boundary</u> Rep. Williams moves the Subcommittee study include a recommendation to add provisions in statute which authorize a private cause of action, which includes reasonable attorney’s fees, against any county that, after 180 days of receiving the geographically positioned boundary from South Carolina Geodetic Survey Office, taxes citizens outside the county’s geographically positioned boundary contained in the official county boundary map held by Revenue and Fiscal Affairs.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

The State Election Commission and Revenue and Fiscal Affairs support adoption of Item Q.

<u>Q. Required Notice Pre-SCGS Work on County Boundary and Public Meeting Post-Preliminary Positioning</u> Rep. Williams moves the Subcommittee study include a recommendation to add provisions in law which require South Carolina Geodetic Survey (SCGS) send notice to the county administrator and publish this notice (1) in a local newspaper, and (2) on the Revenue and Fiscal Affairs website 30 days prior to SCGS starting their work of geographically positioning a section of a county boundary. The notice will inform the public that SCGS intends to work on geographically positioning a section of the county boundary and welcomes public input. Require SCGS to work with the county administrator to hold a public meeting, after SCGS has preliminary geographic positions, to provide information on the preliminary positions and obtain additional public input prior to finalizing the plat of the section of the county boundary.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

- V. Chairman Clary explains the Subcommittee will now hear from other individuals in attendance who would like to provide testimony prior to concluding the Subcommittee’s study of the agency.

Chairman Clary swears in the following individuals:

- a. Ms. Katy Smith, First Vice President of SC Association of Registration and Election Officials (SCARE)
- b. Ms. Wanda Hemphill, Director of Elections in York County/Chairman of the Legislative Committee of SCARE

Ms. Smith provides testimony that SCARE is in attendance in support of the State Election Commission.

Ms. Hemphill provides testimony on SCARE’s legislative priorities that were included in a letter from SCARE to the Subcommittee.

Chairman Clary reminds Ms. Kim Murphy, constituent from Lexington/Richland County, that she was sworn in during a prior meeting and remains under oath. Ms. Murphy, provides testimony about the issue of county boundary lines.

- VI. Chairman Clary explains the Subcommittee will take a short recess so members may have an opportunity to individually review their notes and determine if there is anything further to discuss before concluding the Subcommittee’s study of the agency.
- VII. After returning from recess, Subcommittee members make various motions, which are listed below.

Rep. Funderburk moves the Subcommittee study include a recommendation that statutes be updated to allow South Carolina registered voters to work as poll workers anywhere in South Carolina.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

Rep. Funderburk moves the Subcommittee study include a recommendation that statutes be updated to remove the requirement of a witness signature on the envelope of a mail in absentee ballot since the signatures cannot be verified.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

Rep. Williams moves the Subcommittee study include a recommendation that the full Committee may follow up with the agency at any time about (1) the status of implementing the Committee's recommendations, and (2) any other questions the full Committee has for the agency.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Clary	✓			
Rep. Funderburk	✓			
Rep. Newton	✓			
Rep. Williams	✓			

VIII. With no further business, Chairman Clary directs Committee staff to draft the Subcommittee Study Report with the motions adopted during the Subcommittee's meetings with the agency, and provide a copy to all Subcommittee members by Friday, August 25, 2017. Chairman Clary states that if any member would like to provide a written statement for inclusion in the Report, as allowed by Committee Standard Practices, the deadline for providing statements is 5:00 p.m. on Friday, September 1, 2017.

Chairman Clary states that unless he receives a written request for another meeting with the agency from a Subcommittee member prior to 5:00 pm on Friday, September 1, 2017, he will provide notice to the full Committee that the Subcommittee Study is available for consideration.

IX. The meeting is adjourned.