**South Carolina General Assembly**

118th Session, 2009-2010

**A245, R292, H3059**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Herbkersman

Document Path: l:\council\bills\dka\3056dw09.docx

Companion/Similar bill(s): 207

Introduced in the House on January 13, 2009

Introduced in the Senate on April 20, 2010

Last Amended on May 26, 2010

Passed by the General Assembly on June 1, 2010

Governor's Action: June 2, 2010, Signed

Summary: Club districts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑37

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑38

3/24/2010 House Committee report: Favorable **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑27

4/15/2010 House Amended [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑43

4/15/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑45

4/15/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑46

4/16/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\04-16-10.docx)‑2

4/16/2010 Scrivener's error corrected

4/20/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\04-20-10.docx)‑4

4/20/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\04-20-10.docx)‑4

4/28/2010 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

5/19/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\05-19-10.docx)‑24

5/20/2010 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑25

5/20/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑25

5/24/2010 Scrivener's error corrected

5/26/2010 Senate Amended [SJ](file:///h:\SJ%20Archive\2010\05-26-10.docx)‑47

5/26/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\05-26-10.docx)‑47

6/1/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2010\06-01-10.docx)‑95

6/1/2010 House Roll call Yeas‑97 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\06-01-10.docx)‑95

6/2/2010 Ratified R 292

6/2/2010 Signed By Governor

7/2/2010 Effective date 06/02/10

7/8/2010 Act No. 245

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3059_20081209.docx)

[3/24/2010](file:///p:\pprever\2009-10\3059_20100324.docx)

[4/15/2010](file:///p:\pprever\2009-10\3059_20100415.docx)

[4/16/2010](file:///p:\pprever\2009-10\3059_20100416.docx)

[5/19/2010](file:///p:\pprever\2009-10\3059_20100519.docx)

[5/20/2010](file:///p:\pprever\2009-10\3059_20100520.docx)

[5/24/2010](file:///p:\pprever\2009-10\3059_20100524.docx)

[5/26/2010](file:///p:\pprever\2009-10\3059_20100526.docx)

(A245, R292, H3059)

**AN ACT** **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 SECTION 7‑9‑20, RELATING TO QUALIFICATIONS FOR MEMBERSHIP IN A CERTIFIED PARTY AND FOR VOTING AT A PARTY PRIMARY ELECTION, SO AS TO DELETE REFERENCES TO PARTY CLUBS; TO AMEND SECTION 7‑9‑70, RELATING TO CLUBS IN PARTY ORGANIZATIONS, SO AS TO DELETE PROVISIONS REQUIRING DELEGATES AT PARTY CONVENTIONS TO BE COMPRISED OF DELEGATES ELECTED FROM THE CLUBS IN THE COUNTY; 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; TO REPEAL SECTIONS 7‑9‑30, 7‑9‑40, 7‑9‑50, AND 7‑9‑60, ALL RELATING TO CLUBS IN PARTY ORGANIZATIONS; AND TO DELAY THE EFFECTIVE DATE OF ACT 138 OF 2010, RELATING TO LEXINGTON COUNTY PRECINCTS.**

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

**Definitions**

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

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

(1) ‘General election’ means the election 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’ means an area created by the legislature for convenient localization of polling places and which administers and counts votes therein as a local unit in all elections.

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

(7) ‘Political party’ means a political party, organization, or association certified by the State Election Commission 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) ‘Booth’ includes a voting machine booth, curtain, or enclosure.

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

(14) ‘Voter’, ‘registered voter’, ‘elector’, ‘registered elector’, ‘qualified elector’, or ‘qualified registered elector’ means 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 Section 7‑3‑20(C)(2) and (3) and who possesses a valid registration certificate.”

**Duties, commissioners of elections**

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 registration books to the election managers of each polling precinct, who are responsible for the care and custody of these books and the return of them within three days after the election. The commissioners of election or the county committee, as the case may be, shall return the books to the board of registration before the day on which the books of registration are next required by law to be opened by the board of registration and not later than twenty days after the election.”

**Qualifications**

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. A person may not vote in 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 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.”

**County conventions**

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

“Section 7‑9‑70. A county convention must be held during a twelve‑month period ending March thirty‑first of 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. The date set by the county committee for the county convention must be at least two weeks 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.”

**Managers of election, replacement**

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

“Section 7‑13‑170. If all of the managers fail to attend at the same time and place appointed for holding the poll, or shall refuse or fail to act, or if no manager has been appointed for the poll, it is lawful for the voters present at the precinct voting place on that day to appoint from among the qualified voters of the precinct the managers to act as managers in the place and stead of the absent managers, and any one of the managers 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.”

**Repeal**

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

**Effective date changed**

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.

**Time effective**

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

Ratified the 2nd day of June, 2010.

Approved the 2nd day of June, 2010.

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