~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2010

**H. 3630**

Introduced by Rep. Weeks

S. Printed 5/5/10--S.

Read the first time April 28, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3630) to amend Section 5-15-90, Code of Laws of South Carolina, 1976, relating to appointment of a municipal election commission in each municipality to conduct municipal elections, 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, by striking item (3), lines 22-26 on page 2 and inserting:

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

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**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 indicates that there is no fiscal impact with the adoption of this bill because the commission would charge the municipal board members a fee for the training classes. Currently, the commission charges county election officials $20 per class.

**LOCAL GOVERNMENT IMPACT:**

The fiscal impact to municipalities should be minimal for the $20 training classes.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 5-15-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED BY THE STATE ELECTION COMMISSION.

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

SECTION 1. Section 5-15-90 of the 1976 Code is amended to read:

“Section 5-15-90. (A) All municipal elections held under the provisions of this chapter ~~shall~~ must be conducted by a municipal election commission composed of three electors who ~~shall~~ must be residents of the municipality and who ~~shall~~ must be appointed by the municipal governing body. The terms of the members ~~shall be~~ are six years except of those first appointed one shall serve a term of four years and one a term of two years.

(B)(1) Each municipal election commissioner and each staff person designated by the commission, shall complete, within eighteen months after a commissioner’s initial appointment or his reappointment after 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 commissioner or staff person has successfully completed the training and certification program, the State Election Commission shall issue the commissioner or staff person a certification, whether or not the commissioner or staff person applies for the certification.

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

(b) A member appointed or reappointed after a break in service before the effective date of this section or a staff person employed or reemployed after a break in service before the effective date of this section shall 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, a member appointed or reappointed after a break in service or a staff person employed or reemployed after a break in service shall 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) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, shall 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) Following completion of the training and certification program required in item (1), each commission member, and staff person designated by the commission, shall take at least one training course each year.”

SECTION 2. This act takes effect upon approval by the Governor.

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