**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4421**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith, M.S. McLeod and Bernstein

Document Path: l:\council\bills\agm\18060ab14.docx

Companion/Similar bill(s): 811

Introduced in the House on January 14, 2014

Currently residing in the House Committee on **Judiciary**

Summary: County Boards of Registration and Boards of Election

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 House Prefiled

12/10/2013 House Referred to Committee on **Judiciary**

1/14/2014 House Introduced and read first time ([House Journal‑page 75](file:///H:\HJ%20Archive\2014\01-14-14.docx))

1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 75](file:///H:\HJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\4421_20131210.docx)

**A** **BILL**

TO AMEND SECTION 7‑27‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF COUNTY BOARDS OF REGISTRATION AND BOARDS OF ELECTION, SO AS TO PROVIDE THAT FOR THOSE COUNTIES THAT DO NOT HAVE A COMBINED BOARD OF REGISTRATION AND ELECTION THE BOARDS MAY BE COMBINED UPON WRITTEN AGREEMENT OF THE COUNTY LEGISLATIVE DELEGATION AND THE COUNTY GOVERNING BODY; TO PROVIDE THAT THIS WRITTEN AGREEMENT MUST BE FILED WITH THE SECRETARY OF STATE AND STATE ETHICS COMMISSION; TO PROVIDE FOR THE COMPOSITION, MANNER OF APPOINTMENT, TERMS, POWERS, AND DUTIES OF THE COMBINED BOARD; TO REQUIRE THE APPOINTMENTS OF A DIRECTOR AND TO PROVIDE FOR HIS RESPONSIBILITIES; TO PROVIDE FOR THE ABOLISHMENT OF THE SEPARATE BOARDS OF REGISTRATION AND ELECTION; TO PROVIDE THAT FOR THOSE COUNTIES THAT DO HAVE COMBINED BOARDS OF REGISTRATION AND ELECTION, THE POWER TO APPOINT OR RECOMMEND THE APPOINTMENT OF THE MEMBERS OF THE COMBINED BOARD MAY BE DEVOLVED TO THE COUNTY GOVERNING BODY UPON WRITTEN AGREEMENT OF THE COUNTY LEGISLATIVE DELEGATION AND THE COUNTY GOVERNING BODY.

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

SECTION 1. Section 7‑27‑110 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑110. (A) Those counties that do not have combined boards of registration and election commissions must have their members appointed and powers of their boards and commissions as provided by Sections 7‑5‑10 and 7‑13‑70.

(B)(1) Those counties that do not have combined boards of registration and election commissions may combine the boards upon written agreement of a majority of the county governing body and a majority of the county legislative delegation. The written agreement combining the boards must be filed with the Secretary of State and the State Election Commission.

(2)(a) The combined board must be composed of five members appointed by a majority of the members of the county governing body. Two of the initial appointees shall serve two‑year terms and three of the initial appointees shall serve four‑year terms. Upon expiration of the terms of the members initially appointed, the term of office for the members of the combined board is four years and until their successors are appointed and qualify. Members may succeed themselves. In the case of a vacancy on the board, the vacancy must be filled in the manner of the original appointment, as provided in this subsection, for the unexpired term. A majority of the members of the county governing body must appoint the board’s chairman. The chairman shall serve a term of four years and may be reappointed to that office for any number of successive terms without limitation.

(b) The board may choose to elect a vice chair, a secretary, and other officers the board considers appropriate. The initial director must be elected by a majority of the members of the county governing body. Subsequently, the board shall employ the director, determine his compensation, and determine the number and compensation of other staff positions. Salaries must be consistent with the compensation schedules established by the county for similar positions.

(c) The director is responsible for hiring and management of the staff positions that report to the director as established by the board. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board.

(d) The county governing body shall notify the State Election Commission in writing of the appointments made pursuant to subitem (a).

(e) A member who misses three consecutive meetings of the board is considered to have resigned his office, and a vacancy on the board exists, which must be filled in the manner provided in subitem (a). This subitem does not apply to a member who presents a verifiable doctor’s certificate that illness prevented his attendance at a meeting.

(f) Except as otherwise specifically provided in this subsection, the provisions of Title 7 relating to county boards of voter registration and county election commissions apply to a combined board established by this subsection.

(g) The separate county boards of registration and election are abolished upon the filing of the agreement combining the boards with the State Election Commission and the functions, duties, and powers of the separate boards are devolved upon the combined board provided by subitem (a). The terms of the members of the separate county boards of registration and election, regardless of when these members were appointed to office or when their current terms would otherwise have expired, expire for all purposes upon the abolishment of that board pursuant to this subitem.

(C) Notwithstanding any other provision of this chapter, the county legislative delegation of a county that has a combined board of registration and election provided in Article 2 of this chapter may devolve the power to appoint or recommend the appointment of the members of the combined board to the county governing body upon written agreement of a majority of the county governing body and a majority of the county legislative delegation. The written agreement combining the boards must be filed with the Secretary of State and the State Election Commission and applies to any subsequent appointment or recommendation of appointment made after the agreement is filed.”

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

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