**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-27-140 SO AS TO PROVIDE THAT ALL COUNTY BOARDS OF ELECTIONS AND VOTER REGISTRATION ARE UNDER THE DIRECT SUPERVISION AND CONTROL OF THE STATE ELECTION COMMISSION ACTING THROUGH ITS EXECUTIVE DIRECTOR, TO PROVIDE FOR REMOVAL OF CERTAIN OFFICIALS AND DISMISSAL OF CERTAIN EMPLOYEES WHO WILFULLY FAIL TO FOLLOW THE RECOMMENDATION OF THE STATE ELECTION COMMISSION; AND BY ADDING SECTION 7-27-145 SO AS TO DEVOLVE RESPONSIBILITY TO THE STATE ELECTION COMMISSION FOR CERTIFYING AN ELECTION WHEN A COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION DOES NOT OR CANNOT CERTIFY THE RESULTS WITHIN TWENTY-FOUR HOURS AFTER THE POLLS HAVE CLOSED.

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

SECTION 1. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑140. (A) Each county board of elections and voter registration, as established pursuant to Article 2, of whatever name or denomination, and all their officials or employees, including members of each board, the director of the board, and all employees of the board, shall perform their functions, duties, and powers relating to the conduct of elections and voter registration as provided by law under the direct supervision and control of the State Election Commission acting through its executive director. In the event of differences of opinion between any local officials or employees and the State Election Commission acting through its executive director pertaining to the manner in which particular functions must be performed, the opinion of the State Election Commission acting through its executive director controls.

(B) A local public official who wilfully fails to follow specific instructions of the State Election Commission acting through its executive director commits malfeasance in office and may be removed by the Governor, as provided by Section 1‑3‑240, upon the recommendation of the State Election Commission. A local employee who wilfully fails to follow specific instructions of the State Election Commission acting through its executive director must be dismissed from employment by his employer upon the recommendation by the State Election Commission. If the person’s employer is the local county board of elections and voter registration and the board fails to dismiss the employee upon the recommendation of the State Election Commission, this constitutes malfeasance in office on the part of the board, and they are subject to removal from office pursuant to the provisions of this section.”

SECTION 2. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑145. If a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 2, does not or cannot determine and certify the results of an election or referendum of which it is responsible for determining and certifying the results within twenty‑four hours after the polls in that election or referendum have closed, this responsibility is devolved upon the State Election Commission at that time.”

SECTION 3. This act takes upon approval by the Governor.

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