**South Carolina General Assembly**

123rd Session, 2019-2020

**A54, R74, H3035**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk, Thigpen, W. Newton, R. Williams and Wheeler

Document Path: l:\council\bills\cc\15326zw19.docx

Introduced in the House on January 8, 2019

Introduced in the Senate on February 6, 2019

Last Amended on May 9, 2019

Passed by the General Assembly on May 9, 2019

Governor's Action: May 16, 2019, Signed

Summary: Poll managers and assistants

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/18/2018 House Prefiled

 12/18/2018 House Referred to Committee on **Judiciary**

 1/8/2019 House Introduced and read first time ([House Journal‑page 63](file:///h%3A%5Chj%5C20190108.docx))

 1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 63](file:///h%3A%5Chj%5C20190108.docx))

 1/10/2019 House Member(s) request name added as sponsor: W.Newton

 1/29/2019 House Member(s) request name added as sponsor: R.Williams

 1/30/2019 House Committee report: Favorable **Judiciary** ([House Journal‑page 17](file:///h%3A%5Chj%5C20190130.docx))

 1/31/2019 House Member(s) request name added as sponsor: Wheeler

 2/5/2019 House Objection by Rep.  Weeks ([House Journal‑page 16](file:///h%3A%5Chj%5C20190205.docx))

 2/5/2019 House Read second time ([House Journal‑page 16](file:///h%3A%5Chj%5C20190205.docx))

 2/5/2019 House Roll call Yeas‑112 Nays‑5 ([House Journal‑page 16](file:///h%3A%5Chj%5C20190205.docx))

 2/6/2019 House Read third time and sent to Senate ([House Journal‑page 54](file:///h%3A%5Chj%5C20190206.docx))

 2/6/2019 Senate Introduced and read first time ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20190206.docx))

 2/6/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20190206.docx))

 4/24/2019 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20190424.docx))

 4/25/2019 Scrivener's error corrected

 5/7/2019 Senate Read second time ([Senate Journal‑page 34](file:///h%3A%5Csj%5C20190507.docx))

 5/8/2019 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20190508.docx))

 5/8/2019 Senate Amended ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20190508.docx))

 5/8/2019 Senate Read third time and returned to House with amendments ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20190508.docx))

 5/8/2019 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20190508.docx))

 5/9/2019 House Senate amendment amended ([House Journal‑page 85](file:///h%3A%5Chj%5C20190509.docx))

 5/9/2019 House Returned to Senate with amendments ([House Journal‑page 85](file:///h%3A%5Chj%5C20190509.docx))

 5/9/2019 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 80](file:///h%3A%5Csj%5C20190509.docx))

 5/13/2019 Ratified R 74

 5/16/2019 Signed By Governor

 5/31/2019 Effective date 05/16/19

 6/5/2019 Act No.  54

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p%3A%5Cpprever%5C2019-20%5C3035_20181218.docx)

[1/30/2019](file:///p%3A%5Cpprever%5C2019-20%5C3035_20190130.docx)

[4/24/2019](file:///p%3A%5Cpprever%5C2019-20%5C3035_20190424.docx)

[4/25/2019](file:///p%3A%5Cpprever%5C2019-20%5C3035_20190425.docx)

[5/8/2019](file:///p%3A%5Cpprever%5C2019-20%5C3035_20190508.docx)

[5/9/2019](file:///p%3A%5Cpprever%5C2019-20%5C3035_20190509.docx)

(A54, R74, H3035)

**AN ACT TO AMEND SECTION 7‑13‑72, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGERS OF ELECTION, SO AS TO PROVIDE THAT A CLERK APPOINTED FROM AMONG THE MANAGERS FOR EACH POLLING PLACE MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; TO AMEND SECTION 7‑13‑80, RELATING TO THE ORGANIZATION OF BOARDS OF VOTER REGISTRATION AND ELECTIONS AND MANAGERS AND CLERKS, SO AS TO PROVIDE THAT A CHAIRMAN OF A BOARD OF MANAGERS MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; AND TO AMEND SECTION 7‑13‑110, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT A CHAIRMAN OR CLERK APPOINTED FROM AMONG THE MANAGERS FOR THE VARIOUS POLLING PLACES MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY, TO PROVIDE THAT A MANAGER WHO IS NOT APPOINTED TO SERVE AS A CHAIRMAN OR CLERK MUST BE A RESIDENT AND A REGISTERED ELECTOR OF THE STATE OF SOUTH CAROLINA, AND TO REQUIRE THAT ANY PERSON QUALIFIED TO SERVE AS A MANAGER WHO REQUESTS TO WORK IN HIS RESIDENT COUNTY OR IN AN ADJOINING COUNTY MUST BE GIVEN PRIORITY OVER QUALIFIED PERSONS FROM OTHER COUNTIES FOR APPOINTMENT TO WORK IN THE RESIDENT COUNTY OR IN AN ADJOINING COUNTY.**

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

**Managers of election**

SECTION 1. Section 7‑13‑72 of the 1976 Code is amended to read:

 “Section 7‑13‑72. For the general election held on the first Tuesday following the first Monday in November in each even‑numbered year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for each five hundred electors, or portion of each five hundred electors, registered to vote at the polling place.

 For primary elections held on the second Tuesday in June of each general election year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for the first five hundred electors registered to vote in each precinct in the county, and may appoint three additional managers for each five hundred electors registered to vote in the precinct above the first five hundred electors, or portion thereof. The members of the county board of voter registration and elections must also appoint from among the managers a clerk for each polling place in the county, and none of the officers may be removed from office except for incompetence or misconduct. All clerks appointed from among the managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

 For all other primary, special, or municipal elections, the authority charged by law with conducting the primary, special, or municipal elections must appoint three managers of election for the first five hundred electors registered to vote in each precinct in the county, municipality, or other election district and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred electors. The authority responsible by law for conducting the election must also appoint from among the managers a clerk for each polling place in a primary, special, or municipal election. All clerks appointed from among the managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

 Forty‑five days prior to any primary, except municipal primaries, each political party holding a primary may submit to the county board of voter registration and elections a list of prospective managers for each precinct. The county board of voter registration and elections must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. However, the county board of voter registration and elections may refuse to appoint any prospective manager for good cause.

 No person may be appointed as a manager in a primary, general, or special election who has not completed a training program approved by the State Election Commission concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program. The training program and the issuance of certification must be carried out by the county board of voter registration and elections. After their appointment, the managers and clerks must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.

 The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State. Before opening the polls, the managers of election must take and subscribe the oath provided for in Section 7‑13‑100. Upon the completion of the canvassing of votes, this oath must be filed with the members of the county board of voter registration and elections along with the ballots from that election precinct.”

**Organization of voter registration and elections, managers and clerks, oaths**

SECTION 2. Section 7‑13‑80 of the 1976 Code is amended to read:

 “Section 7‑13‑80. The board members, managers, and clerks at their first meeting, respectively, must proceed to organize as a board. The county board of voter registration and elections must appoint the chairman of the board of managers. The chairman must be a resident and registered elector of the respective county in which he is appointed to work or in an adjoining county. The chairman, in each instance, may administer oaths.”

**Residency requirements of chairmen, clerks, and managers of elections**

SECTION 3. Section 7‑13‑110 of the 1976 Code is amended to read:

 “Section 7‑13‑110. Each chairman and clerk appointed from among the managers of election for the various polling places must be a resident and registered elector of the respective county in which he is appointed to work or in an adjoining county. All managers of election who are not appointed to serve as chairmen or clerks for the various polling places in the State must be residents and registered electors of the State of South Carolina. Any person qualified to serve as a manager who requests to work in his resident county or an adjoining county must be given priority over qualified persons from other counties for appointment to work in the resident county or an adjoining county. Any person at least sixteen years of age who has completed the training required by Section 7‑13‑72 and who is not otherwise disqualified by law may be appointed as a poll manager’s assistant by the appropriate county board of voter registration and elections. A sixteen‑ or seventeen‑year‑old appointed as a poll manager’s assistant may not serve as chairman of the managers or clerk in the polling place to which he or she is appointed. Sixteen‑ and seventeen‑year‑olds must serve under supervision of the chairman of the managers of the polling place, and their specific duties must be prescribed by the county board of voter registration and elections. One sixteen‑ or seventeen‑year‑old assistant poll manager may be appointed for every two regular poll managers appointed to work in a precinct.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

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