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Indicates New Matter

COMMITTEE REPORT

April 24, 2019

**H. 3035**

Introduced by Reps. Funderburk, Thigpen, W. Newton, R. Williams and Wheeler

S. Printed 4/24/19--S.

Read the first time February 6, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3035) to amend Section 7‑13‑110, Code of Laws of South Carolina, 1976, relating to poll managers and their assistants, so as to provide that poll workers, 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 the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 7-13-72, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGERS OF ELECTION, SO AS TO PROVIDE THAT CLERKS APPOINTED FROM THE POLL MANAGERS FOR EACH POLLING PLACE MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE RESPECTIVE COUNTIES IN WHICH THEY ARE APPOINTED TO WORK OR IN ADJOINING COUNTIES; TO AMEND SECTION 7‑13‑80, RELATING TO ORGANIZATION OF BOARD OF VOTER REGISTRATION AND ELECTIONS MANAGERS AND CLERKS, SO AS TO PROVIDE THAT A CHAIRMAN OF A BOARD OF POLL MANAGERS MUST BE A RESIDENT AND REGISTERED ELECTOR FROM THE COUNTY IN WHICH HE IS APPOINTED TO WORK OR AN ADJOINING COUNTY; AND SECTION 7‑13‑110, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT POLL MANAGERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA, BUT A CLERK OR CHAIRMAN MUST BE A RESIDENT AND REGISTERED ELECTOR FROM THE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY.

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

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.”

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.”

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 ~~respective counties in which they are appointed to work or in an adjoining county~~ State of South Carolina. 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. ~~Any~~ 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 ~~any~~ a precinct.”

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

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Expenditure**

This bill requires a manager of an election for the various polling places in the state to be a resident and a registered elector of the state. Currently, a manager must be a resident and registered elector in the respective county in which he is appointed to work or an adjoining county.

This bill is not expected to have a fiscal impact on the Election Commission because there is no change to the agency’s responsibilities.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 7‑13‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT POLL WORKERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA.

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

SECTION 1. Section 7‑13‑110 of the 1976 Code is amended to read:

“Section 7‑13‑110. All managers of election for the various polling places in the State must be residents and registered electors of the ~~respective counties in which they are appointed to work or in an adjoining county~~ State of South Carolina. 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. ~~Any~~ 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 ~~any~~ a precinct.”

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

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