~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 29, 2020

**S. 866**

Introduced by Senator Campsen

S. Printed 1/29/20--S.

Read the first time January 14, 2020.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 866) to amend Section 5‑15‑130, Code of Laws of South Carolina, 1976, relating to the procedures for contesting the results of municipal elections, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 14, 2020**

**State Expenditure**

This bill adds county boards of voter registration and elections as an appropriate authority that may receive and conduct a hearing on a contest of an election by any candidate, if the municipality has transferred the authority to conduct its election, in accordance with §5-15-145, to the county board of voter registration and elections. The State Election Commission does not reimburse counties for these proceedings and therefore, will have no expenditure impact due to this bill.

**Local Expenditure**

This bill adds county boards of voter registration and elections as an appropriate authority that may receive and conduct a hearing on a contest of an election by any candidate, if the municipality has transferred the authority to conduct its election, in accordance with §5-15-145, to the county board of voter registration and elections. Currently, only municipal election commissions have the authority to receive and conduct hearings on a contest of an election. This may result in a shift of expenditures between the local entities. However, there is no expectation of an increase in the number of contests of elections, therefore, there will be no increase to local expenditures.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 5‑15‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5‑15‑145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

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

SECTION 1. Section 5‑15‑130 of the 1976 Code is amended to read:

“Section 5‑15‑130. (A) ~~Within forty‑eight hours after the closing of the polls,~~ Any candidate may contest the result of the election ~~as reported by the managers~~ by filing a written notice of such contest together with a concise statement of the grounds therefor with the ~~Municipal Election Commission~~ appropriate election authority by noon Wednesday following the day of the declaration by the authority of the result of the election. ~~Within forty‑eight hours after the filing of such notice,~~ The ~~Municipal Election Commission~~ authority shall, after due notice to the parties concerned, conduct a hearing on the contest on the Monday following the deadline for filing the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

(B) Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.

(C) For purposes of this section, ‘appropriate election authority’ means the municipal election commission or the county board of voter registration and elections if the municipality has transferred the authority to conduct its election in accordance with Section 5‑15‑145.”

SECTION 2. Section 5‑15‑145 of the 1976 Code is amended to read:

“Section 5‑15‑145. (A) Municipalities are authorized to transfer authority for conducting municipal elections to the county boards of voter registration and elections ~~commission~~. County boards of voter registration and elections ~~commissions~~ are authorized to conduct municipal elections.

(B) As a condition of the transfer of authority to conduct elections pursuant to this section, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement. The municipal ordinance must state what authority is being transferred and the county ordinance must accept the authority being transferred.

(C) When the total responsibility for the conduct of a municipal election is transferred to a county ~~election commission~~ board of voter registration and elections, pursuant to the provisions of this section, the municipal election commission is abolished.

(D) If the municipality, by ordinance transfers a portion of the responsibilities for the conduct of a municipal election to a county ~~election commission~~ board of voter registration and elections, the municipality shall not abolish the municipal election commission.

(E) A municipality which by ordinance transfers authority for conducting municipal elections to the county ~~election commission~~ board of voter registration and elections under this section may by ordinance set the filing dates for municipal offices, and the date by which candidates must be certified to the appropriate authority to be placed on the ballot, to run concurrently with the filing dates set by law for countywide and less than countywide offices or other filing dates as may be mutually agreed upon between the municipality and the county ~~election commission~~ board of voter registration and elections.”

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

‑‑‑‑XX‑‑‑‑