**South Carolina General Assembly**

125th Session, 2023-2024

**A68, R86, H4049**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey

Companion/Similar bill(s): 727

Document Path: LC-0209PH23.docx

Introduced in the House on February 28, 2023

Introduced in the Senate on April 25, 2023

Last Amended on May 9, 2023

Currently residing in the House

Governor's Action: May 19, 2023, Signed

Summary: Remote Annual Meetings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/28/2023 House Introduced and read first time ([House Journal‑page 9](h:\hj\20230228.docx))

2/28/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 9](h:\hj\20230228.docx))

4/5/2023 House Member(s) request name added as sponsor: W. Newton

4/6/2023 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 2](h:\hj\20230406.docx))

4/12/2023 Scrivener's error corrected

4/18/2023 House Member(s) request name added as sponsor: Caskey

4/18/2023 House Read second time ([House Journal‑page 135](h:\hj\20230418.docx))

4/18/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 135](h:\hj\20230418.docx))

4/19/2023 House Read third time and sent to Senate ([House Journal‑page 10](h:\hj\20230419.docx))

4/25/2023 Senate Introduced and read first time ([Senate Journal‑page 7](h:\sj\20230425.docx))

4/25/2023 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 7](h:\sj\20230425.docx))

5/2/2023 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 20](h:\sj\20230502.docx))

5/3/2023 Scrivener's error corrected

5/9/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 75](h:\sj\20230509.docx))

5/9/2023 Senate Read second time ([Senate Journal‑page 75](h:\sj\20230509.docx))

5/9/2023 Senate Roll call Ayes-43 Nays-0 ([Senate Journal‑page 75](h:\sj\20230509.docx))

5/10/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 16](h:\sj\20230510.docx))

5/16/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 28](h:\hj\20230516.docx))

5/16/2023 House Roll call Yeas-99 Nays-0 ([House Journal‑page 28](h:\hj\20230516.docx))

5/17/2023 Ratified R 86

5/19/2023 Signed By Governor

5/26/2023 Effective date 05/19/23

5/26/2023 Act No. 68

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4049&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230228.docx)

[04/06/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230406.docx)

[04/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230412.docx)

[05/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230502.docx)

[05/03/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230503.docx)

[05/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4049_20230509.docx)

(A68, R86, H4049)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33‑7‑101, 33‑31‑701, 33‑7‑102, AND 33‑31‑702, ALL RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE COMMUNICATION.

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

Annual meeting, remote communication

SECTION 1. Section 33‑7‑101 of the S.C. Code is amended by adding:

(d) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, shareholders and proxy holders not physically present at an annual meeting of shareholders may, by means of remote communication:

(1) participate in an annual meeting of shareholders;

(2) be deemed present in person and vote at an annual meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:

(i) the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the annual meeting is a shareholder or proxy holder;

(ii) the corporation implements reasonable measures to provide shareholders or proxy holders a reasonable opportunity to participate in the annual meeting and to vote on matters submitted to the shareholders including, without limitation, an opportunity to communicate and to read or hear the proceedings of the annual meeting substantially concurrently with such proceedings; and

(iii) if any shareholder or proxy holder votes or takes other action at the annual meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation.

Annual and regular meetings, remote communication

SECTION 2. Section 33‑31‑701 of the S.C. Code is amended by adding:

(g) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, members not physically present at annual or regular membership meetings may, by means of remote communication:

(1) participate in an annual or regular membership meeting;

(2) be deemed present in person and vote at an annual or regular membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the annual or regular membership meeting is a member of the corporation or proxy holder.

Special meeting, remote communication

SECTION 3. Section 33-7-102 of the S.C. Code is amended by adding:

(e) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, shareholders and proxy holders not physically present at a special meeting of shareholders may, by means of remote communication:

(1) participate in a special meeting of shareholders;

(2) be deemed present in person and vote at a special meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:

(i) the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special meeting is a shareholder or proxy holder;

(ii) the corporation implements reasonable measures to provide shareholders or proxy holders a reasonable opportunity to participate in the special meeting and to vote on matters submitted to the shareholders including, without limitation, an opportunity to communicate and to read or hear the proceedings of the special meeting substantially concurrently with such proceedings; and

(iii) if any shareholder or proxy holder votes or takes other action at the special meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation.

Special meeting, remote communication

SECTION 4. Section 33-31-702 of the S.C. Code is amended by adding:

(f) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, members not physically present at special membership meetings may, by means of remote communication:

(1) participate in a special membership meeting; and

(2) be deemed present and in person and vote at a special membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special membership meeting is a member of the corporation or proxy holder.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023.

Approved the 19th day of May, 2023.

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