**South Carolina General Assembly**

125th Session, 2023-2024

**A27, R34, S405**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Kimbrell and Garrett

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Introduced in the Senate on January 18, 2023

Introduced in the House on March 7, 2023

Currently residing in the Senate

Governor's Action: May 16, 2023, Signed

Summary: Certificates of Ascertainment of Appointment of Electors

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 Senate Introduced and read first time (Senate Journal‑page 4)

 1/18/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 4)

 2/9/2023 Senate Referred to Subcommittee: Campsen (ch), Hutto,
 Malloy, Garrett, Kimbrell

 2/22/2023 Senate Committee report: Favorable **Judiciary** (Senate Journal‑page 17)

 2/27/2023 Scrivener's error corrected

 3/1/2023 Senate Read second time (Senate Journal‑page 23)

 3/1/2023 Senate Roll call Ayes-39 Nays-0 (Senate Journal‑page 23)

 3/2/2023 Senate Read third time and sent to House (Senate Journal‑page 19)

 3/7/2023 House Introduced and read first time (House Journal‑page 15)

 3/7/2023 House Referred to Committee on **Judiciary** (House Journal‑page 15)

 5/3/2023 House Committee report: Favorable **Judiciary** (House Journal‑page 93)

 5/4/2023 House Read second time (House Journal‑page 108)

 5/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 108)

 5/4/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 110)

 5/5/2023 House Read third time and enrolled (House Journal‑page 11)

 5/11/2023 Ratified R 34

 5/16/2023 Signed By Governor

 5/26/2023 Effective date 05/16/23

 5/26/2023 Act No. 27

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=405&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/405_20230222.docx)

[02/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/405_20230227.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/405_20230504.docx)

(A27, R34, S405)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7‑19‑70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7‑19‑90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7‑19‑100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

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

Election of presidential electors

SECTION 1. Section 7‑19‑70 of the S.C. Code is amended to read:

 Section 7‑19‑70. (A) Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this title for the election of state officers.

 (B) The names of candidates for electors of President and Vice President nominated by any political party recognized in this State under Section 7‑9‑10 or by a valid petition shall be filed with the Secretary of State but shall not be printed on the ballot. In place of their names, in accordance with the provisions of Section 7‑13‑320, there shall be printed on the ballot the names of the candidates for President and Vice President of each political party recognized in this State and the names of any petition candidates for President and Vice President. A vote for the candidates named on the ballot shall be a vote for the electors of the party by which those candidates were nominated or the electors of petition candidates whose names have been filed with the Secretary of State.

 (C) Upon receipt of the certified determination of the Board of State Canvassers and delivered to him in accordance with Section 7‑17‑300, the Secretary of State, under his hand and the seal of his office, as required by Section 7‑17‑310, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the certified determination, who shall be deemed appointed as electors.

 (D) It shall be the duty of the Governor, at least six days before the time fixed for the meeting of the electors, to transmit to the Archivist of the United States by the most expeditious method available a certificate of ascertainment of appointment of electors. The certificate must bear the seal of the State, contain at least one security feature, and set forth the names of the electors appointed and the canvass or other determination under the laws of this State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast. It shall also be the duty of the Governor to transmit to the electors of the State, on or before the day on which they are required by law to meet, six duplicate‑originals of the same certificate.

 (E) Any certificate of ascertainment of appointment of electors required to be issued or revised by any state or federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

Meeting of electors for President and Vice President

SECTION 2. Section 7‑19‑90 of the S.C. Code is amended to read:

 Section 7‑19‑90. (A) The electors for President and Vice President shall convene at the capitol, in the office of the Secretary of State, at eleven in the forenoon, on the first Tuesday after the second Wednesday in December next following their appointment, and shall proceed to effect a permanent organization by the election of a president and secretary from their own body. The electors shall next proceed to fill by ballot and by plurality of votes all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend, of any elector. The electors shall then and there vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same state with themselves.

 (B) The electors shall make and sign six certificates of all the votes given by them for President and Vice President, each of which certificates shall contain two distinct lists, one of the votes for President and the other for Vice President, and shall annex to each of the certificates of votes one of the certificates of ascertainment of appointment of electors which shall have been furnished to them by direction of the Governor.

 (C) The electors shall seal up the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, and certify upon each that the list of all the votes of the State given for President, and of all of the votes given for Vice President, are contained therein.

Disposition of certificates of electors

SECTION 3. Section 7‑19‑100 of the S.C. Code is amended to read:

 Section 7‑19‑100. (A) The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

 (1) One set shall be sent to the to the President of the Senate of the United States at the seat of government.

 (2) Two sets shall be sent to the Executive Director of the State Election Commission, one of which shall be held subject to the order of the President of the Senate of the United States, the other to be preserved by the Executive Director of the State Election Commission for one year and shall be a part of the public records of the State Election Commission and shall be open to public inspection.

 (3) Two sets shall be sent to the Archivist of the United States at the seat of government.

 (4) One set shall be sent to the judge of the district in which the electors shall have assembled.

Time effective

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

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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