



LEGISLATIVE OVERSIGHT COMMITTEE

Executive Subcommittee

Study of the Secretary of State's Office *October 9, 2020*

FULL COMMITTEE OPTIONS STANDARD PRACTICE 12.4	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
<ul style="list-style-type: none">(1) Refer the study and investigation back to the Subcommittee or an ad hoc committee for further evaluation;(2) Approve the Subcommittee's study; or(3) Further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight.		

Legislative Oversight Committee



Post Office Box 11867
Columbia, South Carolina 29211
Telephone: (803) 212-6810 • Fax: (803) 212-6811
Room 228 Blatt Building

Wm. Weston J. Newton, Chair
Laurie Slade Funderburk, First Vice-Chair

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Jennifer L. Dobson
Research Director

Charles L. Appleby, IV
Legal Counsel

Lewis Carter
Research Analyst/Auditor

Cathy A. Greer
Administration Coordinator

Members of the Executive Subcommittee and the Subcommittee's primary staff person are in bold font, and an asterisk designates the chair.

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AGENCY SNAPSHOT

Secretary of State's Office

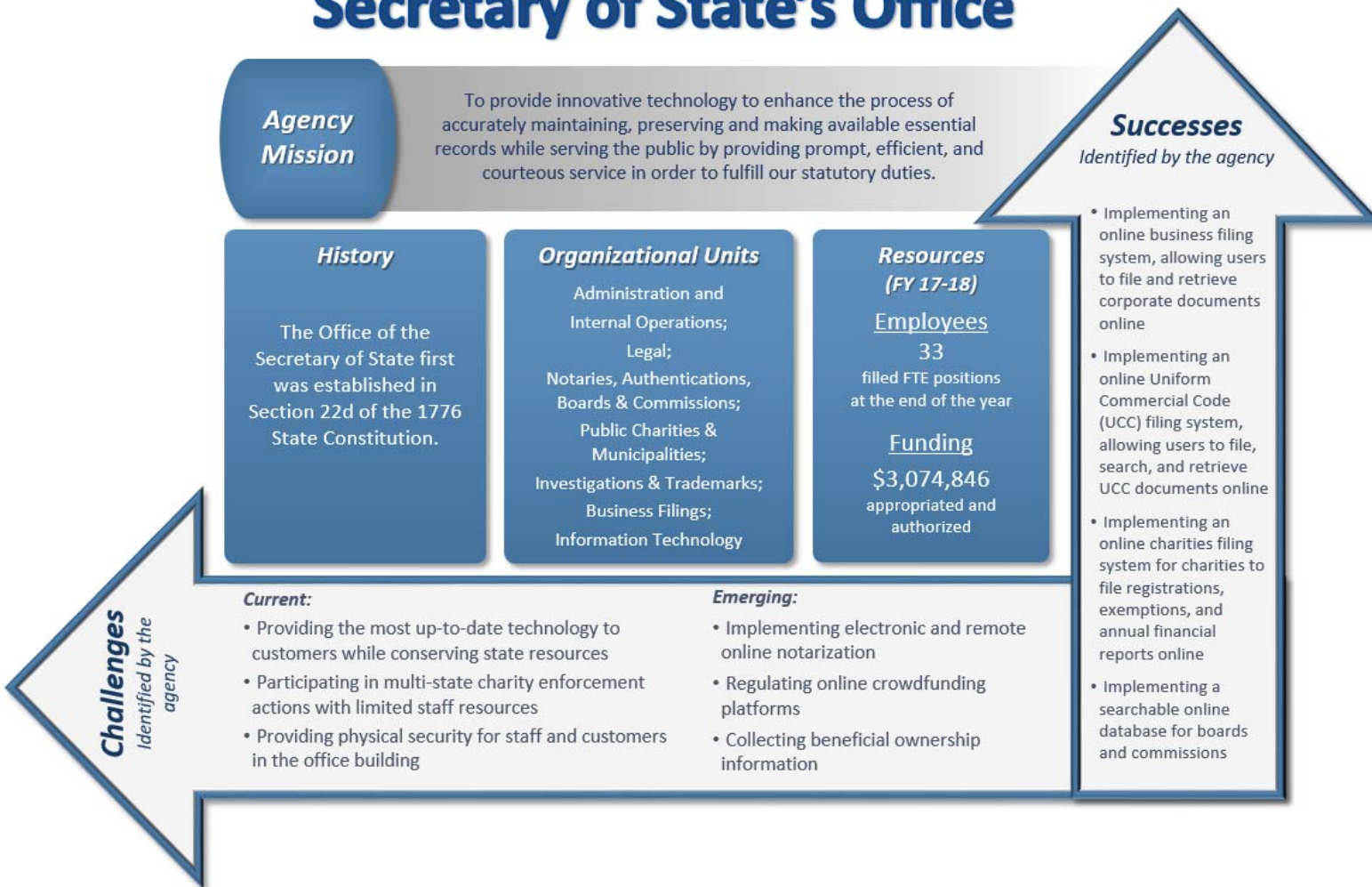


Figure 1. Snapshot of agency's mission, history, organizational units, fiscal year 2017-18 resources, successes, and challenges¹

LEGISLATIVE HISTORY

The Secretary of State’s Office (agency) provides an agency history in its Program Evaluation Report (PER) submission to the House Legislative Oversight Committee (Committee).² A selected timeline is included in Table 1.

Table 1: Selected timeline of state events noted in the agency’s Program Evaluation Report³

1776	The state constitution outlines the General Assembly and Legislative Council elect the Secretary of the Colony. ⁴ It further requires the Secretary swear to defend the state constitution until an accommodation of the differences between Great Britain and America shall take place. ⁵
1778	The new state constitution outlines the Senate and House of Representatives elect the Secretary of State for a two-year term. ⁶ It further requires the Secretary of State maintain copies of the laws and swear to defend and serve the state against the King of Great Britain and his successors and serve the state in the Office elected to the best of his skill and understanding. ⁷
1790	The new state constitution outlines the Senate and House of Representatives elect the Secretary of State for a four-year term and the same person cannot serve consecutive terms. ⁸ It further requires the Secretary of State affirm he meets the qualifications for the office and swear to discharge the duties to the best of his ability and defend the constitution of the state and the United States. ⁹
1861	The new state constitution outlines the method of election and duties of the Secretary of State in a manner similar to those in the previous state constitution. ¹⁰ However, it requires the Secretary of State swear to discharge the duties to the best of his ability and defend the constitution of the state and the Confederate States of America. ¹¹
1865	The new state constitution outlines the method of election and duties of the Secretary of State in a manner similar to those in the previous state constitution. ¹² However, it requires the Secretary of State swear to discharge the duties to the best of his ability and defend the constitution of the state and the United States. ¹³

1868	<p>The new state constitution outlines the voters of the state elect the Secretary of State to a four-year term and there is no longer a prohibition on serving consecutive terms.¹⁴</p> <p>The duties of the Secretary of State under the prior state constitution continue and the following duties are added:</p> <ul style="list-style-type: none"> • Countersigns all grants and commissions which are sealed with the state seal and signed by the Governor; and • Certifies the election of the Governor and Lieutenant Governor.¹⁵ <p>It further requires, the Secretary of State affirm he meets the qualifications for the office, swear to discharge the duties to the best of his ability, recognize the supremacy of the constitution and laws of the United States over constitution and laws of any state, and defend the state and United States constitution.¹⁶</p>
1895	<p>The new state constitution establishes the current office of Secretary of State.¹⁷</p> <p>The method of election of the Secretary of State is similar to the previous state constitution.¹⁸</p> <p>The duties of the Secretary of State under the prior state constitution continue and the following duty is added:</p> <ul style="list-style-type: none"> • Countersign all commissions of officers of the state, which are signed by the Governor and sealed with the Great Seal of the state.¹⁹ <p>It further requires, the Secretary of State affirm he meets the qualifications for the office, swear to discharge the duties to the best of his ability, and preserve, protect, and defend the state constitution and United States constitution.²⁰</p>
1967	<p>The law governing notaries, which are commissioned by the Secretary of State, is amended in several ways, including a provision that notaries hold their commissions for ten years.²¹</p>
1979	<p>The Secretary of State becomes an ex officio member of the Commission on Consumer Affairs.²² The Commission on Consumer Affairs serves as the policymaking and governing authority of the Division of Consumer Affairs.</p>
1981	<p>The General Assembly transfers the licensing and regulation of private employment agencies from the Department of Labor to the Secretary of State's Office.²³</p>
1984	<p>The General Assembly enacts the Uniform Limited Partnership Act governing limited partnerships, one type of business entity that files with the Secretary of State's Office, and repeals Chapter 41 of Title 33 relating to the Uniform Limited Partnership Act.²⁴</p>
1988	<p>The Business Corporation Act revises various statutes relating to business corporations, whose filings the Secretary of State's Office is responsible.²⁵</p>

1994

The South Carolina Nonprofit Corporation Act updates existing state statutes governing nonprofit corporations, entities required to submit filings to the Secretary of State's Office.²⁶

The General Assembly provides for the formation of limited liability companies, limited liability partnerships, foreign limited liability partnerships, all of which are business entities that file with the Secretary of State's Office.²⁷

The Solicitation of Charitable Funds Act makes the Secretary of State's Division of Public Charities responsible for regulating charitable organizations and professional fundraisers soliciting contributions in the state.²⁸

1996

The Uniform Limited Liability Company Act provides the manner in which limited liability companies, a business entity that files with the Secretary of State's Office, shall be operated and governed in the state.²⁹

The General Assembly moves the following:

- Division of Public Charities from the Secretary of State's Office to the Attorney General's Office;³⁰ and
 - Division of Securities from the Secretary of State's Office to the Attorney General's Office.³¹
-

1998

The General Assembly moves the Division of Public Charities from the Attorney General's Office back to the Secretary of State's Office.³²

The Secretary of State's Office becomes the state office responsible for monitoring state boards and commissions and publicizing vacancies and expiration of terms for state boards and commissions.³³

2004

Title 33 of the Corporate code undergoes major revisions and limited liability companies no longer have to file annual reports with the Secretary of State's Office.³⁴

The Uniform Electronic Transaction Act establishes the legal effect or validity of records in electronic transactions and provides the Secretary of State may implement procedures for the use of electronic records and electronic signatures.³⁵

2005

The General Assembly authorizes the Secretary of State's Office to reject Uniform Commercial Code filings intended for an improper purpose, such as to defraud, hinder, harass, or otherwise wrongfully interfere with a person, or that listed the same person as secured party and debtor.³⁶

2006	<p>The Competitive Cable Services Act designates the Secretary of State’s Office as the central state franchising authority for cable services.³⁷</p> <p>The General Assembly provides procedures for the Secretary of State’s Office to seek injunctive relief against persons alleged to have violated the Solicitation of Charitable Funds Act in the Administrative Law Court, as well as a mechanism for persons who have been fined, suspended, or denied registration under the Solicitation of Charitable Funds Act to appeal the agency’s determination in the Administrative Law Court.³⁸</p>
2007	<p>Amendments to the Solicitation of Charitable Funds Act, for which the Secretary of State’s Office is responsible, allow charitable organizations to file their annual registration statements and annual financial report on the same date, and increase the amount of contributions raised by an exempt charitable organization from \$5,000 to \$7,500.³⁹</p>
2008	<p>The Uniform Real Property Electronic Recording Act (URPERA) allows county register of deeds offices to receive and record documents in an electronic format and charges the Secretary of State’s Office with the responsibility of implementing the act and adopting the standards for the receipt, recording, and retrieval of electronic documents.⁴⁰</p>
2010	<p>The Secretary of State’s Office promulgates regulations to adopt the URPERA, which the General Assembly approves and publishes in <i>The State Register Volume 34, Issue No. 4</i>, April 23, 2010.⁴¹</p>
2013	<p>The General Assembly provides that qualified nonprofits are eligible to conduct raffles upon approval by voter referendum and charges the Secretary of State’s Office with the administration and enforcement of the raffle legislation.⁴²</p> <p>The Secretary of State’s Office becomes responsible for reviewing and accepting filings to determine eligibility of qualified businesses and works in conjunction with the Department of Revenue to fulfill the requirements of the High Growth Small Business Job Creation Act.⁴³ The Act provides tax credits to angel investors in order to encourage investment in early stage, high-growth job creating businesses, increase the number of high-quality, high-paying jobs in South Carolina, and expand the state’s economy by enlarging the base of wealth-creating businesses.⁴⁴</p> <p>The General Assembly revises statutory provisions related to Uniform Commercial Code Article 9 secured transactions, under which the Secretary of State’s Office is responsible for accepting and maintaining filings.⁴⁵</p>
2014	<p>The General Assembly makes the first major reforms to the state notary public law, under which the Secretary of State’s Office has responsibilities, since the 1960s and includes provisions for issuing apostilles and authentication, for which the Secretary of State’s Office is responsible.⁴⁶</p> <p>Voters approve the constitutional amendment to allow nonprofit raffles.</p>

2015

The General Assembly ratifies the constitutional amendment to allow certain nonprofit organizations to conduct raffles in the state and charges the Secretary of State's Office with the administration and enforcement of the raffles.⁴⁷

FINDINGS

The Executive Subcommittee (Subcommittee) **makes 14 findings** relating to the agency. The Subcommittee has recommendations to address some, but not all, of these findings. However, the Subcommittee makes the findings to note information that a member of the public, or General Assembly, may seek to know or on which they may desire to act.

The Subcommittee's findings fall into four categories: (1) agency duties, (2) agency resources, (3) boards, commissions, councils, and committees, and (4) progress made, but more is needed. An overview of these findings is in the Executive Summary.

Notably, the Senate Oversight Committee adopted a report on the Secretary of State's Office in February 2019, which included recommendations for the agency.

Agency Duties

The Subcommittee makes two findings related to agency duties, and a summary is in Table 2.

Table 2. Summary of findings related to agency duties

Agency duties	<ol style="list-style-type: none">1. For two centuries, the primary duties of the Secretary of State's Office were to maintain and certify official state government records. Over the past four decades, these duties were expanded by the General Assembly to include: licensing and regulating private employment agencies, handling business filings, regulating charitable organizations, and monitoring state boards and commissions.2. There are deliverables (i.e., services or products) the Secretary of State's Office is statutorily required to provide for which there were zero customers in at least four years.
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FINDING #1. Original duties of agency expanded over last four decades

The Subcommittee finds for two centuries, the primary duties of the Secretary of State's Office were to maintain and certify official state government records.⁴⁸ The Subcommittee further finds over the past four decades, these duties were expanded by the General Assembly to include: licensing and regulating private employment agencies, handling business filings, regulating charitable organizations, and monitoring state boards and commissions.⁴⁹

FINDING #2. Services with no customers

The Subcommittee finds there are deliverables (i.e., services or products) the Secretary of State's Office is statutorily required to provide for which there were zero customers in at least four years. Appendix D lists the 35 agency deliverables with no customers in at least four years⁵⁰ While some deliverables may have customers in the future, the General Assembly may desire to review and update these statutes. Deliverables the agency indicates may have customers in the future include, but are not limited to the following: conversion of corporation not-for-profit to a public service district, filings related to formation

of a company to own and maintain a railroad, and annual report of escheats (i.e., reversion of property to the state).⁵¹ Deliverables the agency indicates may no longer be needed include, but are not limited to: referral of disclosure violations to the Attorney General (i.e., Solicitation of Charitable Funds Act), publication of certified election results, and decertification of political parties.⁵²

Agency Resources

The Subcommittee makes two findings related to agency resources, and a summary is in Table 3.

Table 3. Summary of findings related to resources available

Agency resources	3. The Secretary of State’s Office generates monies that are not utilized by the agency, but instead are directed to the state’s general fund, which helps finance other state operations.
	4. Some of the fees (e.g., business filings, Solicitation of Charitable Funds Act, and notary public) charged by the Secretary of State’s Office have not increased in decades.

FINDING #3. Agency generates monies it does not utilize, but instead are directed to state’s general fund

The Subcommittee finds the Secretary of State’s Office generates monies that are not utilized by the agency, but instead are directed to the state’s general fund, which helps finance other state operations.⁵³ For each of the last five fiscal years, the amount of revenue the Secretary of State’s Office generated was more than double the amount the agency was appropriated and authorized to spend, as seen in Figure 2.⁵⁴

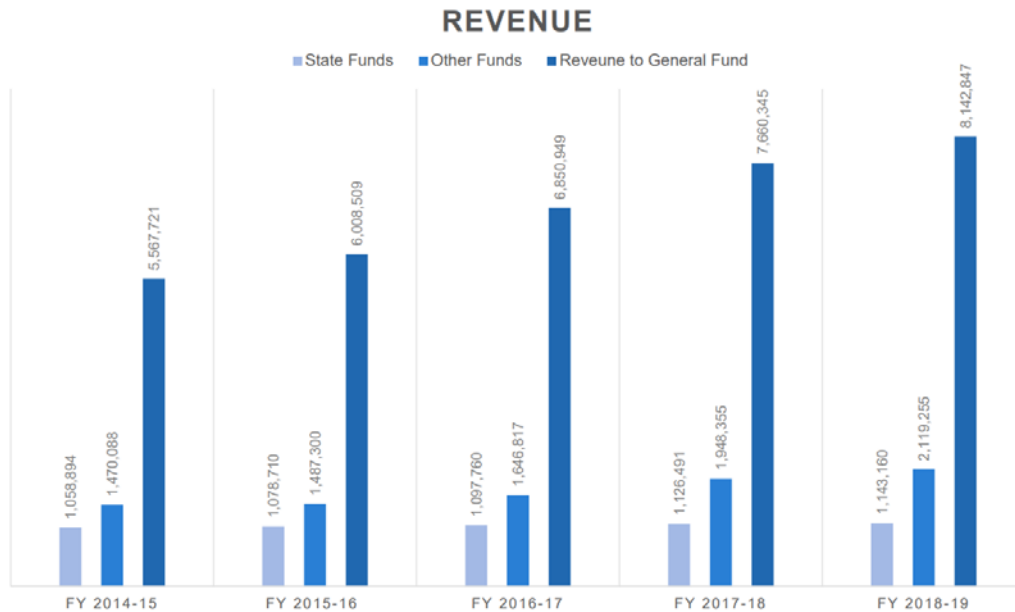


Figure 2. Secretary of State’s Office revenue directed to the general fund in fiscal years 2014-15 through 2018-19⁵⁵

In fiscal year 2018-19, the Secretary of State’s Office generated approximately \$8,000,000, the majority of which went to the state general fund.⁵⁶

FINDING #4. Some fees have not increased in decades

The Subcommittee finds some of the fees (e.g., business filings, Solicitation of Charitable Funds Act, and notary public) charged by the Secretary of State’s Office have not increased in decades. Examples include:

- Business filing fees have not been revised in 15 or more years, depending on the entity type;
- Solicitation of Charitable Funds Act fees and fines have not increased in 25 years; and
- Notary public application fee and the notary public change in status fee have not increased in more than 30 years.⁵⁷

As discussed in the previous finding, amounts generated by fees and fines from some agencies, like the Secretary of State’s Office, are directed to the general fund, which support other state operations. As an example, during the last five years, all fees collected from notary public applications and change in status forms went to the general fund.⁵⁸

If these fines and fees do not gradually increase over time, and costs to maintain other state operations increase (e.g., inflation), the amount of services, quality of services, or both, may decrease.

Boards, Commissions, Councils, and Committees

The Subcommittee makes five findings related to boards, commissions, councils, and committees (collectively “boards”), and a summary is in Table 4.

Table 4. Summary of findings related to boards, commissions, councils, and committees

Boards, Commissions, Councils, and Committees	<p>5. The General Assembly directs numerous boards, commissions, councils, and committees (hereinafter collectively “boards”) to fulfill diverse responsibilities relating to issues affecting state operations and the lives of the people of South Carolina, including, but not limited to, the economy, healthcare, personal information, and culture. The Secretary of State’s Office is tasked with monitoring state boards.</p>
	<p>6. The Secretary of State’s Office interprets its statutory responsibility to “monitor positions on the state boards and commissions” as (a) keeping track of the information required by statute to be provided to the office, and (b) publicizing vacancies and expired terms as required in SC Code Section 1-5-40(C).</p>
	<p>7. Information available during the study indicates 40% of all seats on the more than 150 boards monitored by the Secretary of State’s Office were vacant or included individuals serving in expired terms (i.e., over 800 individuals serving in expired terms on boards and over 450 vacant seats). Additionally, there were 48 boards with no current appointments on file with the Secretary of State’s Office, other than ex officio or legislative members.</p>

8. Mechanisms are lacking to ensure written notification of up to date appointments, elections, resignations, vacancies, and board status (e.g., active, inactive, or defunct) are provided to the Secretary of State's Office.
9. In general, the selection process for boards is complex due to the number of board seats (more than 3,000), different methods of selection (at least 16), and unrelated times of year in which selections are necessary.
10. Additional analysis of state boards is necessary in order to address issues surrounding the high percentage of vacant and expired board positions.

FINDING #5. Commissions/boards' responsibilities impact lives of the people of S.C.

The Subcommittee finds the General Assembly directs numerous boards, commissions, councils, and committees (hereinafter collectively "boards") to fulfill diverse responsibilities relating to issues affecting state operations and the lives of the people of South Carolina, including, but not limited to, the economy, healthcare, personal information, and culture. The Secretary of State's Office is tasked with monitoring state boards.

FINDING #6. Agency believes "monitors" means publishing information others provide it

The Subcommittee finds the Secretary of State's Office interprets its statutory responsibility to "monitor positions on the state boards and commissions" as (a) keeping track of the information required by statute to be provided to the office, and (b) publicizing vacancies and expired terms as required in S.C. Code Section 1-5-40(C).⁵⁹ The agency asserts it exceeds this monitoring requirement with its online, searchable boards and commissions database that updates daily.⁶⁰ An analysis of the statutory requirements and the agency's interpretation of them is in Appendix F.

FINDING #7. 40% of all board seats are vacant or expired

The Subcommittee finds information available during the study indicates 40% of all seats on the more than 150 boards monitored by the Secretary of State's Office were vacant or included individuals serving in expired terms (i.e., over 800 individuals serving in expired terms on boards and over 450 vacant seats).⁶¹ Additionally, there were 48 boards with no current appointments on file with the Secretary of State's Office, other than ex officio or legislative members. The Subcommittee has no evidence to suggest these numbers are abnormal as the figures were similar two years prior when the Senate Oversight Committee performed its study of the agency.⁶²

Notably, the Committee's 2017 Study of the Department of Agriculture observed that half of the Agriculture Commission were serving in a hold-over capacity in expired terms, with one that expired a quarter of a century ago.⁶³ Other examples, which are accurate as of May 2020, of boards with vacant positions or continued service in a hold-over capacity include:

- an advisory committee responsible for evaluating regulations and recommending changes to "safeguard children" in childcare facilities which has 100% of the 17 positions vacant (2) or expired (15) with the terms expiring between six and 18 years ago.⁶⁴
- a council whose duties relate to collection and release of health care-related data by the state which has 73% of the 15 non-ex-officio positions vacant (9) or expired (2) with the terms expiring six months ago and nine years ago.⁶⁵

More examples of vacant or expired board seats are provided in Appendix H.

Potential reasons for 40% of all board seats being vacant or expired may include, but not be limited to, appointing authorities not making timely appointments; boards not providing the Secretary of State's Office information on new appointments; and the agency not aware a board is inactive or defunct.

FINDING #8. Mechanisms lacking to ensure notification of up to date information

The Subcommittee finds mechanisms are lacking to ensure written notification of up to date appointments, elections, resignations, vacancies, and board status (e.g., active, inactive, or defunct) are provided to the Secretary of State's Office. As previously mentioned in finding six, the Secretary of State's Office states the following in regards to responsibility for up to date information:

Section 1-1-1310 puts the burden of reporting on the boards themselves when it states that "each state board and commission must send written notification to the Secretary of State...." It is the boards that are required to send written notice of membership changes so that the Secretary of State can provide that information to the public. If the Secretary does not receive notification, there are no statutory provisions to enforce compliance.⁶⁶

Based on this position by the agency, if a board fails to provide the Secretary of State's Office information on a new appointment, the Secretary of State's Office will continue to list a board position as vacant, or a term as expired, when this is not accurate. During the study, the Secretary of State's Office noted "[b]ecause written notification is not consistently provided as required under S.C. Code § 1-1-1310, there are concerns that the information on file with the agency may not correlate with the actual membership of the boards and commissions."⁶⁷ Also, if a board (or appointing authority) unintentionally provides the Secretary of State's Office incorrect information, such as the wrong end date for a board member's term, the Secretary of State's Office may publish incorrect information.⁶⁸ A flow chart illustrating the transmission of information is provided in Appendix G. A list of 48 boards with no current appointments on file with the Secretary of State's Office (other than ex officio or legislative members) is provided in Appendix I.

Additionally, state law provides the Secretary of State's Office no affirmative directive on how, or if, it is to indicate a board is inactive or defunct.⁶⁹ Failing to note the status of the board as inactive, defunct, or replaced, and continuing to list all positions in it as vacant or expired may confuse, instead of help the General Assembly and interested public. Additionally, listing the vacant positions in it increases the percentage of all positions on state boards that are vacant or expired.

The Secretary of State's Office explains as follows:

It is difficult for the Secretary of State's Office to ascertain with certainty that a state board or commission is no longer operational absent a repeal of the statute(s) that govern the board or a clearly defined sunset provision. The boards and commissions database has a mechanism to enter sunset provisions so that a board will

Failing to note the status of a board as inactive, defunct, or replaced, and continuing to list all positions in it as vacant or expired may confuse, instead of help the General Assembly and interested public.

automatically be inactivated on that date. However, the Secretary of State does not remove boards and commissions from the database that are still authorized by statute, even if it is unclear if the board is still operational.⁷⁰

Statutes may not be updated timely to reflect a board is no longer active, or has been replaced by, or combined with, another board.⁷¹ Additionally, a board is not required to provide the Secretary of State's Office any information about whether the board is inactive or replaced because statute only requires the board provide information about the *membership of* that board.⁷²

As an example, the Secretary of State's Office website lists all three positions on the Statewide Health Coordinating Council as vacant.⁷³ The Council has not informed the agency of any updates in its operations. Additionally, statutes do not indicate inactive status or replacement of the Statewide Health Coordinating Council.⁷⁴ However, the Department of Health and Environmental Control reports this council was replaced by the S.C. Health Planning Committee.⁷⁵ Examples of other boards listed on the Secretary of State's Office website, which may no longer be active, or may be the same as another board listed on the website, which the agency may wish to investigate further, are provided in Appendix G.

To address these issues and help ensure clear and accurate information is available to the public and members of the General Assembly, there may be an opportunity to add or allow for mechanisms to ensure the Secretary of State's Office receives the necessary information; confirms the accuracy of the information provided; determines when a board is inactive or has been replaced and notes such status.⁷⁶

FINDING #9. Selection process for boards is complex

The Subcommittee finds, in general, the selection process for boards is complex due to the number of board seats (more than 3,000), different methods of selection (at least 16), and unrelated times of year in which selections are necessary. Examples of the different methods through which board members are selected is in Appendix G.

FINDING #10. Additional analysis necessary - high percentage of vacant and expired positions

The Subcommittee finds additional analysis of state boards is necessary in order to address issues surrounding the high percentage of vacant and expired board positions. For additional analysis of the issues, the Committee may request the Legislative Audit Council (LAC) perform an audit of boards. A list of issues for consideration is in Appendix J.

Progress made, but more is needed

The Subcommittee makes four findings related to progress made, but more is needed, and a summary is in Table 5.

Table 5. Summary of findings related to progress made, but more is needed

Progress made, but more is needed	11. The Secretary of State’s Office continues to gain efficiencies and transparency for the public using online services and databases.
	12. The Secretary of State’s Office is utilizing data sharing technology to gain efficiencies in state operations.
	13. The Secretary of State’s Office has taken proactive measures regarding an emerging issue, crowdfunding, by forming a task force to discuss the various issues surrounding it (e.g., determine whether regulation is needed, review model legislation that becomes available and consider how it would work in South Carolina).
	14. In addition to the recommendations made in this report, there are other changes for future consideration by the Secretary of State’s Office (e.g., updating its board database; investigating the feasibility of creating a way for the public to contact the agency with complaints and questions about charity solicitations via their mobile phone; revising the annual angel charity selection process by replacing agency discretion in certain phases with additional objective criteria or listing all charities that meet the existing objective criteria as angels; and communicating with the Prosecution Coordination Commission regularly about which cases from the Secretary of State’s Office the solicitors prosecute and why) and the General Assembly (e.g., improving communication and accountability related to boards; reviewing statutes related to railroad filings as many have not been updated in more than 60 years; reviewing statutes related to trademark and livestock brands as fees related to livestock brands have not increased in more than 60 years and fees related to state trademarks have not increased in more than 25 years; and evaluating the state’s objectives in regulating employment agencies as there have been no significant updates to the Private Personnel Placement Services Act in more than 30 years).

FINDING #11. Agency gains efficiencies and transparency through online technology

The Subcommittee finds the Secretary of State’s Office continues to gain efficiencies and transparency for the public using online services and databases. Examples of online information the agency has for the public in a searchable format, or format that is updated daily, is included in Table 6.⁷⁷

Table 6. Categories of information the Secretary of State's Office has online in a searchable format, or format that is updated daily

Information	Searchable by...
Business Entities	<ul style="list-style-type: none"> Name of Business
Business Entities Registered Agent	<ul style="list-style-type: none"> Name of Agent
Uniform Commercial Code filings	<ul style="list-style-type: none"> Name of Debtor or Secured Party (Last Name, First Name or Organization Name). The name search can be modified by the following: <ul style="list-style-type: none"> Filing Status (Lapsed and/or Unlapsed) Filing Type (All or UCC-1 Only) Filing Number
Charities	<ul style="list-style-type: none"> Name of Charity
Notaries Public	<ul style="list-style-type: none"> Name of Notary (Last, First or Partial Name) County
Professional Fundraisers and Solicitors	<ul style="list-style-type: none"> Name of Professional Fundraiser Name of Charity
Raffles	<ul style="list-style-type: none"> Name of Raffle
State Boards and Commissions	<ul style="list-style-type: none"> Name of Board, Commission or Committee; Name of Board Member (Last, First, and/or City); Appointment Type (Gubernatorial, General Assembly, or Other); District (Congressional, Judicial, or At Large); and Status (Active, Vacant, or Both)
State Issued Certificate of Cable Franchise Authority	<ul style="list-style-type: none"> PDF Document (Updated Daily)
Suspended Professional Fundraisers and Solicitors	<ul style="list-style-type: none"> PDF Document (Updated Daily)
Trademarks and Service Marks	<ul style="list-style-type: none"> PDF Document (Updated Daily)
Livestock Brands and Earmarks	<ul style="list-style-type: none"> PDF Document (Updated Daily)
Suspended Raffles	<ul style="list-style-type: none"> PDF Document (Updated Daily)
Qualified Businesses under High Growth Small Business Job Creation Act	<ul style="list-style-type: none"> PDF Document (Updated Annually)
Special Purpose Districts	<ul style="list-style-type: none"> PDF Document (Updated Biennially)

Making paper records available online in searchable formats adds transparency, and may increase public confidence, by helping combat perceptions that bulk documents may conceal information. For example, in recent years the agency digitized 1.5 million paper records into a searchable digital format.⁷⁸

In addition to online information, online filing is available to the public for business filings, Uniform Commercial Code filings, and charity filings.⁷⁹ Over the past few years, the Secretary of State's Office has initiated and implemented several upgrades and enhancements to its charities online filing system.⁸⁰

Examples of these upgrades and enhancements include the following:

- Providing an online charitable solicitation complaint form to allow members of the public to file confidential complaints through the Secretary of State's Office website (project initiated in FY 2015-16 and completed in FY 2016-17);

- Providing streamlined options for online filers to upload required documents, as well as a PDF of online registration forms (project initiated and completed in FY 2016-17);
- Providing charities, professional fundraisers, and raffles access to update records 24/7 through creation of an online account, and provide letters/correspondence from Public Charities Division in a universally-readable format (project initiated in FY 2016-17 and completed in FY 2018-19); and
- Providing mobile phone and tablet compatibility for online customers (project initiated in FY 2018-19).⁸¹

A list of computer applications in production is available on the Committee’s website.⁸² Applications in line for development include the following:

- For business opportunities:
 - Register and process applications,
 - Maintain transaction history,
 - Maintain application rejections,
 - Cashier capability, and
 - Report capability;
- For municipalities incorporation:
 - Municipalities incorporation, and
 - Municipal annexations.⁸³

Other computer applications in the Secretary of State’s Office consideration for development include filings related to railroads, landlord-tenant, special certificates, joint agencies, cooperatives, community development commissions, and online trademark registration.⁸⁴

FINDING #12. Agency gains efficiencies through data sharing with others in state operations

The Subcommittee finds the Secretary of State’s Office is utilizing data sharing technology to gain efficiencies in state operations. As an example, the Secretary of State’s Office has a process through which it sends listings of new business entities and CL-1 filings (i.e., initial annual report of corporations) for new corporate entities automatically to the Department of Revenue (DOR) on a weekly basis and, based on that information the new business is automatically registered with DOR.⁸⁵ This saves time for the new business owners (e.g., interaction with one state agency versus two) and DOR (e.g., eliminates need for additional manual entry of data). Also, this helps avoid errors in entry of the registration information because the information is manually entered only once.

Similarly, the Secretary of State’s Office utilizes an application programming interface (API) to allow the South Carolina Emergency Management Division to interface directly with the agency’s database to determine the status of businesses in an affected area during emergency situations.⁸⁶ A flow chart illustrating how APIs work is in Appendix E.

FINDING #13. Agency acts proactively regarding emerging issue, crowdfunding

The Subcommittee finds the Secretary of State’s Office has taken proactive measures regarding an emerging issue, crowdfunding, by forming a task force to discuss the various issues surrounding it (e.g., determine whether regulation is needed, review model legislation that becomes available and consider how it would work in South Carolina).⁸⁷ The Secretary of State’s Office formed a taskforce to review issues arising from the recent proliferation of crowdfunding through social media, as it relates to charitable

fundraising.⁸⁸ Members of the taskforce include representatives from the state entities that regulate nonprofits and the nonprofit community.⁸⁹

According to the agency, the goal of the taskforce is to discuss the various issues surrounding crowdfunding (e.g., fundraising for individuals, crowdfunding platforms, and donor advised funds), determine whether regulation is needed, and review model crowdfunding legislation that becomes available and consider how it would work in South Carolina.⁹⁰ For example, the Solicitation of Charitable Funds Act allows an entity to file an annual application for exemption each year if the entity is a person soliciting on behalf of a specifically named individual, but the entity loses that exemption if it uses a professional fundraiser, so a question becomes, is using an online platform to solicit on behalf of a specifically named individual using a professional fundraiser?⁹¹

As of January 17, 2020, the taskforce's next step is to develop public education materials related to crowdfunding, including an infographic on what donors should ask before making a contribution to a crowdfunding campaign.⁹²

FINDING #14. Additional changes for future consideration

The Subcommittee finds, in addition to the recommendations made in this report, there are other changes for future consideration by the Secretary of State's Office and the General Assembly.

Examples of additional improvements Secretary of State's Office could consider, after addressing immediate needs, may include the following:

- Updating its board database as follows:
 - List the dates applicable to vacancies,
 - Identify and add links to all laws applicable to a board position in the board member search,
 - Enable users to search board seats by name of elected officials to see which seats each has responsibility in appointing/electing,
 - Enable automatic notifications to appointing authorities to provide reminders of current vacant/expired board positions, and board positions expiring within the next year, and
 - Create a web form which appointing authorities complete to submit all required information,
- Investigating the feasibility of creating a way for the public to contact the agency with complaints and questions about charity solicitations via their mobile phone,
- Revising the annual angel charity selection process by replacing agency discretion in certain phases with additional objective criteria or listing all charities that meet the existing objective criteria as angels, and
- Communicating with the Prosecution Coordination Commission regularly about which cases from the Secretary of State's Office the solicitors prosecute and why.

Examples of additional statutory changes the General Assembly could consider include the following:

- Improving communication and accountability related to boards (e.g., clarification of how to address inactive/defunct boards; enforcement mechanisms related to providing up to date and accurate notification of appointments, elections, resignations, and vacancies),
- Reviewing statutes related to railroad filings as many have not been updated in more than 60 years,

- Reviewing statutes related to trademark and livestock brands as fees related to livestock brands have not increased in more than 60 years and fees related to state trademarks have not increased in more than 25 years, and
- Evaluating the state's objectives in regulating employment agencies as there have been no significant updates to the Private Personnel Placement Services Act in more than 30 years.

Additional discussion of these potential changes is in Appendix K.

RECOMMENDATIONS

The following **recommendations continue, curtail, and/or eliminate agency programs**, and include areas for **potential improvement**. The Subcommittee recognizes **these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency**. These recommendations are based on the agency’s self-analysis requested by the Committee, discussions with the agency during numerous meetings, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee’s website.

The **Subcommittee has 30 recommendations**. The Subcommittee’s recommendations are to the following entities: (1) Secretary of State’s Office, (2) Attorney General’s Office, and (3) General Assembly.

Recommendations to the Secretary of State’s Office

The **Subcommittee has 19 recommendations for the Secretary of State’s Office**. The Subcommittee’s recommendations fall into five categories: (1) effectiveness, (2) efficiency, (3) transparency, (4) interagency collaboration, and (5) modernization of laws. An overview of these recommendations is provided in the Executive Summary.

Effectiveness

The Subcommittee makes six recommendations to the Secretary of State’s Office related to effectiveness, and a summary is in Table 7.

Table 7. Summary of recommendations to the Secretary of State’s Office related to effectiveness

Effectiveness	<p><u>General</u></p> <ol style="list-style-type: none"> 1. Conduct, internally or obtain (e.g., Office of Inspector General, State Division of Human Resources), an employee engagement/climate survey and adopt a policy requiring one occur on a regular basis in the future (e.g., every three years). Further, the agency should share the results of the surveys with its employees, and results of the first survey with the Committee.
	<p><u>Corporate and Nonprofit Filings</u></p> <ol style="list-style-type: none"> 2. Adopt an applicable policy and perform regular reviews of registered nonprofits to ascertain which ones may need administrative dissolution (e.g., those for which the agency cannot determine has a registered agency or office.) 3. Collect and utilize information on business and Uniform Commercial Code filing rejections, including the number of times each rejection reason was used, to regularly revise trainings and webinars the agency creates. 4. Regularly post online a statistical summary of rejection reasons for business and Uniform Commercial Code filings.

Municipalities and Special purpose Districts

5. Adopt an applicable policy and perform regular reviews (e.g., with every census) to determine which municipalities, if any, are not performing municipal services as required in statute.
6. Work with the Municipal Association and other stakeholders to propose statutory changes that may provide a clear and efficient way to handle issues that may arise during a municipality's dissolution (e.g., disposition of municipalities' assets).

RECOMMENDATION #1. Employee engagement survey

The Subcommittee recommends the Secretary of State's Office conduct, internally or obtain (e.g., Office of Inspector General, State Division of Human Resources), an employee engagement/climate survey and adopt a policy requiring one occur on a regular basis in the future (e.g., every three years). Further, the agency should share the results of the surveys with its employees, and results of the first survey with the Committee. The agency indicates it currently does not conduct employee engagement/climate surveys.⁹³ While it is a smaller agency, with only 33 employees, and has an open door policy, during meetings members stress the importance of having other anonymous ways of obtaining feedback to see a full picture of the agency's climate.⁹⁴

RECOMMENDATION #2. Audit all registered non-profits and dissolve those with no registered agent or office

The Subcommittee recommends the Secretary of State's Office adopt an applicable policy and perform regular reviews of registered nonprofits to ascertain which ones may need administrative dissolution (e.g., those for which the agency cannot determine has a registered agent or office.) State law allows the Secretary of State's Office to begin proceedings to administratively dissolve a corporation if it does not have a registered agent or office.⁹⁵ The Secretary of State's Office has not performed an audit of all registered non-profits to determine which do not have a registered agent or office.⁹⁶

After discussion of the issue during Subcommittee meetings, the agency began efforts to have an automatic administrative dissolution process generated by its online filing system for all eligible entities, not just nonprofit corporations.⁹⁷ As part of the continuously running process, eligible entities who do not have a registered agent and office will be automatically added to a queue.⁹⁸ Agency staff will review the queue and send out the initial notice(s) of administrative dissolution.⁹⁹ If entities do not provide registered agent and office information within the required period, the entity will be placed in the queue for staff to process as a final administrative dissolution.¹⁰⁰

RECOMMENDATION #3. Rejections of business and UCC filings, utilize to improve training

The Subcommittee recommends the Secretary of State's Office collect and utilize information on business and Uniform Commercial Code (UCC) filing rejections, including the number of times each rejection reason was used, to regularly revise trainings and webinars the agency creates. The agency has a list of rejection reasons in the business filings database it launched in 2017.¹⁰¹ Also, the agency can produce a report of rejection reasons and the number of times they have been used in a given period.¹⁰² As for UCC filing

rejections, the agency can internally produce a report on the number of rejections, but not on the number by reason for rejection.¹⁰³ However, the agency could obtain this information through South Carolina Interactive (i.e., its website vendor).¹⁰⁴

The agency has not used business and UCC filing rejection data in past trainings and webinars nor shared it with the General Assembly for consideration of potential legislative changes, but the agency concurs with the Subcommittee's recommendation to do so in the future.¹⁰⁵

RECOMMENDATION #4. Rejections of business and UCC filings, utilize to inform General Assembly
The Subcommittee recommends the Secretary of State's Office regularly post online a statistical summary of rejection reasons for business and Uniform Commercial Code filings. See Recommendation #3 above for background information.

RECOMMENDATION #5. Review municipalities to ensure providing services necessary to qualify as a municipality
The Subcommittee recommends the Secretary of State's Office adopt an applicable policy and perform regular reviews (e.g., with every census) to determine which municipalities, if any, are not performing municipal services as required in statute. There are three different scenarios involving forfeiture, surrender, or cancellation of a municipality's certificate of incorporation under S.C. Code Section 5-1-100.¹⁰⁶

One, registered electors in a municipality can petition the municipal council to surrender the certificate. In this scenario, the council orders an election and if two-thirds of those voting vote to surrender the certificate, the council certifies the result to the Secretary of State who cancels the certificate.¹⁰⁷ Two, when a municipality's population has decreased to less than 50 inhabitants, the certificate is automatically forfeited and void.¹⁰⁸ Three, the Secretary of State can cancel the certificate if he determines the municipality is neither performing services nor collecting taxes and revenues and has not held an election in the last four years.

Presently, the Secretary of State's Office does not perform any regular reviews of municipalities to determine if they are providing services, or have met the criteria for forfeiture or cancellation.¹⁰⁹ According to the agency, if it receives an inquiry or complaint that a municipality is not performing municipal services, collecting taxes, and has not held an election in the preceding four years, it investigates to determine if all three conditions are present.¹¹⁰ However, the agency has not received any recent inquiries or complaints that all three conditions were present for a specific municipality.

The agency intends to review the results of the 2020 Census to determine if any municipalities have populations of less than 50 inhabitants, which would result in forfeiture of the certificate of incorporation.¹¹¹ The Subcommittee recommends the agency review both the population, as well as the services the municipality provides, with every census.

For a listing of all municipalities with the date of incorporation and county(ies) in which each is located, please see the Committee's website.¹¹²

RECOMMENDATION #6. Work with stakeholders to propose how to handle issues during municipality dissolution.

The Subcommittee recommends the Secretary of State’s Office work with the Municipal Association and other stakeholders to propose statutory changes that may provide a clear and efficient way to handle issues that may arise during a municipality’s dissolution (e.g., disposition of municipalities’ assets). S.C. Code Section 4-9-80 authorizes a county to assume ownership of assets of dissolved entities within its boundaries. However, there is no statutory process for disposition of the municipality assets if a county is unprepared or unwilling to accept those assets. As an example, in 1995 City View town in Greenville County dissolved. City View owned firetrucks, sanitation trucks and a water/sewer system. However, at that time Greenville County operated none of those services and was unwilling to accept the town’s assets. Instead, three separate special purpose districts agreed to assume ownership and operation of the town assets, but only after a series of circuit court orders were secured to approve the process.

Efficiency

The Subcommittee makes three recommendations to the Secretary of State’s Office related to efficiency, and a summary is in Table 8.

Table 8. Summary of recommendations to the Secretary of State’s Office related to efficiency

Efficiency	<p><u>Notaries</u></p> <p>7. Research and compare current costs, processing times, and potential privacy/fiscal implications (e.g., multiple transfers of checks) of notary applications with other options for online methods through which applicants may apply, pay applicable fees, and complete a new required training.</p>
	<p><u>Elections</u></p> <p>8. Provide the Committee suggested revisions to law, after collaborating with stakeholders, which may increase efficiency related to the filing of bonds for special state constables.</p>
	<p><u>General</u></p> <p>9. Track the amount of time it takes to process and turn-around corporate paper filings submitted by mail and walk-in customers and add this as a performance measure the agency tracks in its annual Accountability Report.</p>

RECOMMENDATION #7. Application processing and training of notaries

The Subcommittee recommends the Secretary of State’s Office research and compare current costs, processing times, and potential privacy/fiscal implications (e.g., multiple transfers of checks) of notary applications with other options for online methods through which applicants may apply, pay applicable fees, and complete a new required training online. The current method for processing notary applications is illustrated in Figure 3, and an option proposed by the Secretary of State’s Office is illustrated in Figures 4.

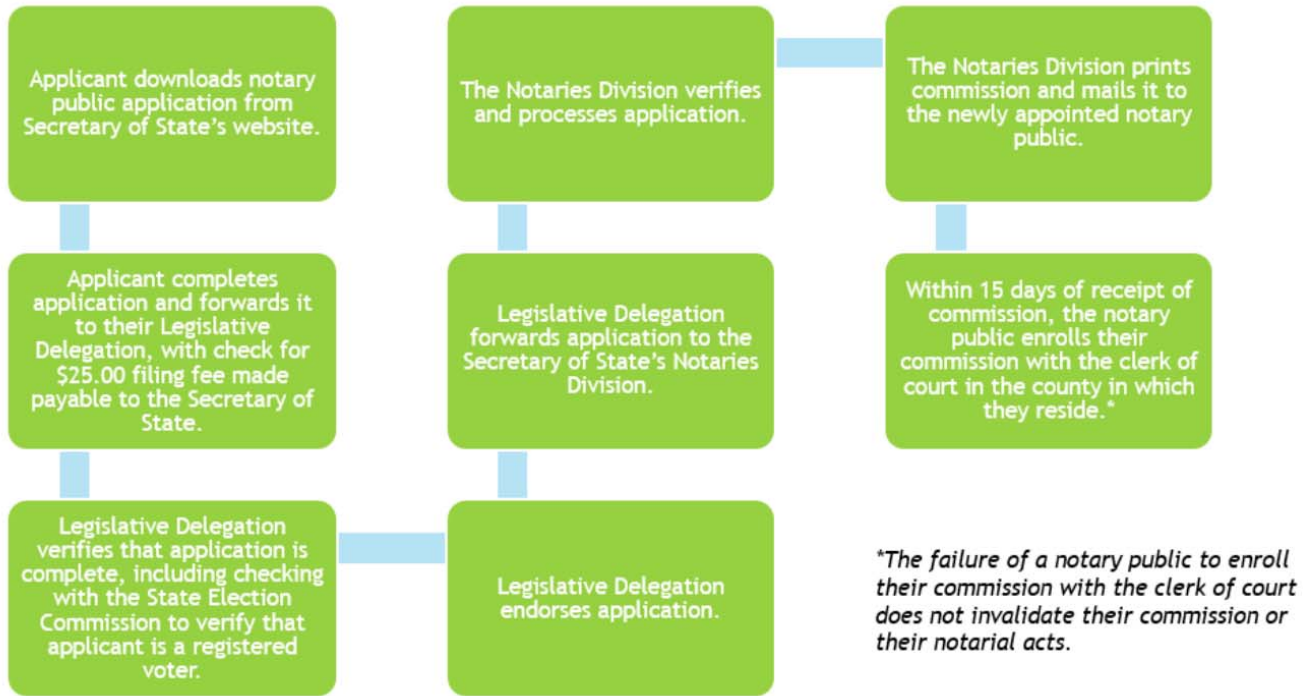


Figure 3. Current method of processing notary applications - legislative delegation involvement is required¹¹³

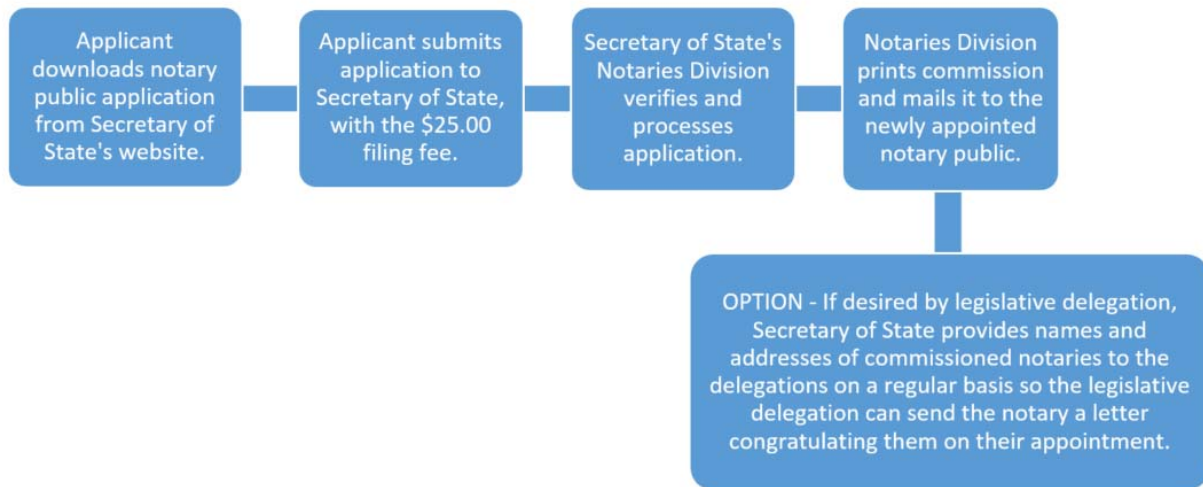


Figure 4. Proposed alternative option for processing notary applications - legislative delegation has the option to remain involved or not be involved¹¹⁴

In both processes, the legislative delegation could remain involved if desired.¹¹⁵

The Secretary of State’s Office believes the proposed option may increase efficiency and conserve state resources by having only one office, rather than two separate offices, process the applications.¹¹⁶ According to the agency, the current processing time for applications, which averages four to twelve weeks, could be reduced to one to two weeks.¹¹⁷ Also, having only one office process applications would provide a single point of contact for citizens seeking to become a notary.¹¹⁸

To obtain additional data on the topic, the Subcommittee recommends the agency gather information from legislative delegations to determine the current costs involved in processing notary applications (e.g., staff time, printing and mailing costs, etc.) and survey notaries whose applications are approved to determine the average time from submission to approval; as well as research any potential privacy/fiscal implications with the current process including multiple transfers of checks.

Also, the Subcommittee recommends the agency research the costs and processing times of having an application to process notary applications that is similar to the Emergency Management Division Business Reentry application through which a business can be verified and print their certificate online.¹¹⁹

Additionally, the Subcommittee seeks information on the cost implications of requiring training as part of the notary application process (current and proposed options) to determine if that is something the General Assembly may wish to consider in future legislation. The agency was able to produce and make available current notary public and raffle webinars at no cost.¹²⁰ However, the Subcommittee understands having a mechanism to track whether individuals are watching the webinar as part of a required application process may involve costs.

RECOMMENDATION #8. Special state constable bonds, filing of

The Subcommittee recommends the Secretary of State’s Office provide the Committee suggested revisions to law, after collaborating with stakeholders, which may increase efficiency related to the filing of bonds for special state constables. The wording of S.C. Code Section 8-3-140, which has not changed since at least 1902, has three separate constitutional officers involved in the filing of bonds for special state constables.¹²¹ While the intent for having three separate constitutional officers involved in the filing of bonds at that time in history is unknown, the Secretary of State’s Office asserts it would be more efficient in the present time to have bonds approved and recorded by one state official.¹²² Stakeholders with whom the Secretary of State’s Office may seek to collaborate in implementing this recommendation include, but are not limited to, the Attorney General’s Office and State Treasurer’s Office.

RECOMMENDATION #9. Turnaround time for processing filings

The Subcommittee recommends the Secretary of State’s Office track the amount of time it takes to process and turn-around corporate paper filings submitted by mail and walk-in customers and add this as a performance measure the agency tracks in its annual Accountability Report. The agency tracks the number of walk in customers annually for the accountability report.¹²³ However, the agency does not currently track the amount of time it takes to process and turn-around the corporate paper filings.¹²⁴ Tracking this

According to the agency, the current processing time for applications, which averages four to twelve weeks, could be reduced to one to two weeks. Also, having only one office process applications would provide a single point of contact for citizens seeking to become a notary.

may provide the agency insight into its current level of efficiency in processing this information for customers and allow it to set targets for how to improve efficiency in this area, if, based on the information obtained, improvement is feasible.

Transparency

The Subcommittee makes five recommendations to the Secretary of State’s Office related to transparency, and a summary is in Table 9.

Table 9. Summary of recommendations to the Secretary of State’s Office related to transparency

Transparency	<u>Boards and Commissions</u>
	10. Revise the existing search function to include an option to see a list of all boards.
	11. Make historical information available to the public, and retain it in agency files, by posting on the agency’s website a link for the public to download an Excel document with all data the agency maintains on boards and board membership, from the first of the month for each of the most recent five years; and save this information in agency files for the most recent fifteen years.
	12. Report to the Committee, at the end of three years, information including, but not limited to, (a) number of vacancies each month by board and appointing authority (including circuit if applicable); (b) ten boards with the highest number of expired terms/vacancies each year; and (c) ten appointing authorities with the highest number of expired terms/vacancies each year.
	<u>Charities</u>
	13. Resume publication of a charities scrooges list and consider publication at a different time of the year than the angels list to afford an opportunity to focus on both lists separately.
	<u>General</u>
	14. Continue annually tracking information on agency deliverables (e.g., costs, customers served, etc.), as provided in the Program Evaluation Report, for discussion during the next oversight cycle.

RECOMMENDATION #10. Revised board search/sort function

The Subcommittee recommends the Secretary of State’s Office revise the existing search function to include an option to see a list of all boards, commissions, councils and committees (collectively “boards”). An individual on the Secretary of State’s Office website can search for boards by the name of the board or words that are within the board’s name, as seen in Figure 5.

Search Boards, Commissions, and Committees
 Search Board Members, Appointment Type, or District

Name:

If you are an appointing authority or commission and need to report an appointment, resignation, or other change in membership to the Secretary of State, please submit a written notification to:

Figure 5. Screen from which a user can search for a board by its name or words within its name

Once a name, or words within a name are entered, a list of applicable boards appears with a link to further information on each, as seen in Figure 6.

Search Boards, Commissions, and Committees
 Search Board Members, Appointment Type, or District

Name:

Search Results	
1	Health Insurance Pool Board of Directors
2	Public Health Emergency Plan Committee
3	South Carolina Board of Health and Environmental Control
4	South Carolina Board of Long Term Health Care Administrators
5	South Carolina Department of Health and Human Services Pharmacy and Therapeutics Committee
6	South Carolina Health Planning Committee
7	South Carolina Mental Health Commission
8	Statewide Health Coordinating Council

Figure 6. Links to further information on boards whose name contain the word “Health”

An individual cannot currently view a list of all boards with links to each that provide information (e.g., current members; appointing authorities; applicable statutes, etc.), but the agency confirms it can create this on its website.¹²⁵ Inclusion of this information online may benefit individuals with a desire for public service, but do not know all the opportunities (i.e., boards) that exist.

RECOMMENDATION #11. Historical board information posted online and available for download

The Subcommittee recommends the Secretary of State’s Office make historical information available to the public, and retain it in agency files, by posting on the agency’s website a link for the public to download an Excel document with all data the agency maintains on boards, commissions, councils and committees (collectively “boards”) and board membership, from the first of the month for each of the most recent five years; and save this information in agency files for the most recent fifteen years. The Secretary of State’s Office website offers search options about boards and board membership. However, individuals are limited to the preset searches the Secretary of State’s Office builds and adds to the website.

Providing access to an electronic report that can be sorted by the user, may reduce the amount of agency resources dedicated to assisting constituents with board specific information.¹²⁶

The Secretary of State’s Office is able to provide this information in an Excel document as shown in Figure 7. Additionally, maintaining Excel documents online with this information, from the first of the month for each of the most recent five years, may allow the General Assembly and individual users to utilize the information over multiple periods for trend analysis.

Board or Commission	Position Name	Position Title	Term Length	Official Name	Expiration Date	At Pleasure / Coterminous	Position Type	Appointed by
Adult Protection Coordinating Council	Residential Care Facility Organization, Executive	Member	2	Melody Bailey			Others	Members of the Council
Adult Protection Coordinating Council	Home/Community Care, Consumer or Family Member	Member	2	Alice Truluck			Others	Members of the Council
Adult Protection Coordinating Council	Provider Association, Home & Community-Based Servi	Member	2	Elizabeth Krauss			Others	Members of the Council
Advisory Committee for the Improvement of Workers Compensation Laws	Labor Representative	Member	5	James E. Sanderson Jr.	11/1/2014		Gubernatorial Appointments	Governor
Advisory Committee for the Improvement of	General Public	Member	5	Millicent C. Williams	11/9/2014		Gubernatorial	Governor

Figure 7. Example Excel document the Secretary of State’s Office has available with information about boards and individual seats¹²⁷

RECOMMENDATION #12. Historical information on number of vacant and expired board seats

The Subcommittee recommends the Secretary of State’s Office report to the Committee, at the end of three years, information including, but not limited to, (a) number of vacancies each month by board and appointing authority (including circuit if applicable); (b) ten boards with the highest number of expired terms/vacancies each year; and (b) ten appointing authorities with the highest number of expired terms/vacancies each year.

As of December 21, 2019, there were over 800 individuals serving in expired terms on boards and over 450 vacant seats, which together accounts for over 40% of all seats on the more than 150 boards. The Subcommittee has no evidence that there has been anything abnormal during the year to cause this percentage.¹²⁸ However, when the Subcommittee asked the Secretary of State’s Office to provide historical information to use in analyzing trends in expired seats and vacancies, the agency was unable to provide it because the information on the agency’s website is updated daily and prior information is not stored.¹²⁹

As of December 21, 2019, there were over 800 individuals serving in expired terms on boards and over 450 vacant seats, which together accounts for over 40% of all seats on the more than 150 boards. The Subcommittee has no evidence that there has been anything abnormal during the year to cause this percentage.

The agency states it is possible to capture the historical information in the future by writing a new database script, constructing tables to input the data into reports, and scheduling the script to run on the first of each month.¹³⁰ Each report would contain an “as of” date.¹³¹ Additionally, information technology staff at the agency could gather information to list the ten boards, and ten appointing authorities, with the highest number of expired terms/vacancies each year.¹³²

This information may provide the General Assembly insight on whether there are certain boards that consistently have expired terms and vacancies to determine if the board or commission is still necessary. Additionally, it may highlight whether there are certain appointing authorities that consistently leave

seats vacant or do not appoint individuals at the expiration of a term. This may allow the General Assembly to inquire as to whether additional assistance to those appointing authorities is necessary or desired.

RECOMMENDATION #13. Scrooges list, resume publication but at different time of year

The Subcommittee recommends the Secretary of State’s Office resume publication of a charities scrooges list and consider publication at a different time of the year than the angels list to afford an opportunity to focus on both lists separately. The designation of Scrooge is “based upon a charitable organization’s failure to spend a high percentage of its total expenditures on charitable programs, or a professional fundraiser’s failure to remit a significant amount of its gross receipts to the charity for which it solicits.”¹³³ In 2018, the Secretary of State’s Office stopped publishing a scrooges list.¹³⁴ According to the agency, it stopped because it wanted to focus on the angel groups and was concerned the media’s attention was focusing too much on the scrooges and not enough on the angels.¹³⁵ As there are benefits to the public knowing about the good as well as the potential bad actors, highlighting these lists at different times of the year (i.e., December and July) may help avoid the media focusing on one list or the other, as opposed to allowing an opportunity to focus on both lists.¹³⁶ In addition to publishing the list, the agency should publish the objective criteria from which an entity qualifies for the list.

RECOMMENDATION #14. PER deliverable information, continue tracking

The Subcommittee recommends the Secretary of State’s Office continue annually tracking information on agency deliverables (e.g., costs, customers served, etc.), as provided in the Program Evaluation Report, for discussion during the next oversight cycle.¹³⁷

Interagency Collaboration

The Subcommittee makes four recommendations to the Secretary of State’s Office related to interagency collaboration, and a summary is in Table 10.

Table 10. Summary of recommendations to the Secretary of State’s Office related to interagency collaboration

Interagency Collaboration	<u>Physical Security</u>
	15. Continue efforts with others in the Brown building and the Bureau of Protective Services (BPS), to obtain security personnel and a metal detector in the building.
	<u>Information Applicable to Multiple Agencies</u>
	16. Convene stakeholders (e.g., State Ethics Commission and State Election Commission) to determine potential opportunities to gain efficiencies in recording and sending information applicable to multiple agencies (e.g., board member names, candidates for elections, etc.). Provide the Committee an update in the next twenty-four months.
	17. Convene stakeholders (e.g., Department of Motor Vehicles and State Election Commission) to determine potential opportunities to gain efficiencies for individuals who must update their address with multiple state agencies (e.g., providing an individual the option, when they update

their address with one agency, for it to automatically update their address with other applicable agencies). Provide the Committee an update in the next twenty-four months.

Municipalities, Special Purpose Districts, etc.

18. Work with stakeholders (e.g., State Revenue and Fiscal Affairs Office; Municipal Association of South Carolina and others) who may have geographic information system mapping to *determine potential opportunities* for linking information each has available about municipalities, special purpose districts, and other areas to assist the public in locating this type of information. Provide the Committee an update on the status of the efforts in the next twelve months.

RECOMMENDATION #15. Physical security in Brown building

The Subcommittee recommends the Secretary of State's office continue efforts with others in the Brown building and the Department of Public Safety's Bureau of Protective Services (BPS), to obtain security personnel and a metal detector in the building. According to the Secretary of State's Office, balancing the goal of customer service while providing security for staff and customers remains an ongoing challenge.¹³⁸

The agency serves walk-in customers daily and must reject deficient filings.¹³⁹ Provisions in the laws governing Uniform Commercial Code secured transactions and the authentication of documents, permit the Secretary of State's Office to reject documents that appear to be submitted for an improper or unlawful purpose.¹⁴⁰ The agency asserts that when staff reject certain filings, it is common for the customers to become argumentative and disruptive.¹⁴¹ As a result, staff has contacted BPS on a regular basis to assist.¹⁴²

In the last three years, the agency has made internal efforts to improve security by renovating its lobby to provide a glass barrier as protection when staff interact with the public.¹⁴³ Also, security cameras have been installed to record activities in the lobby.¹⁴⁴ However, due to the constant, in-person engagement of customers, some of whose filings are rejected, the agency believes staff and customers would benefit from protection provided by a continuous security presence that screens visitors as they enter the Brown building.¹⁴⁵

The agency understands the Department of Administration (DoA) recently agreed to provide a BPS officer in the lobby of the Brown building.¹⁴⁶ Also, based on a memorandum from the Director of DoA, the agency believes metal detectors will be forthcoming.¹⁴⁷ The Secretary of State's Office maintains contact with the Chief of BPS to monitor the status.¹⁴⁸

RECOMMENDATION #16. Data sharing with SEC and Ethics

The Subcommittee recommends the Secretary of State's Office convene stakeholders (e.g., State Ethics Commission and State Election Commission) to *determine potential opportunities* to gain efficiencies in recording and sending information applicable to multiple agencies (e.g., board member names, candidates for elections, etc.). Provide the Committee an update in the next twenty-four months. There are different types of information common among these entities.

As examples, all three entities utilize information about elected officials for posting certified results (State Election Commission); informing the officials of application of the Ethics Act (State Ethics Commission); and in addressing oaths of office (Secretary of State's Office).¹⁴⁹ As for appointed officials, both the Secretary of State's Office and the State Ethics Commission need current and accurate information on the officials. The Secretary of State's Office makes information on the officials available to the public. The State Ethics Commission sends officials letters describing the jurisdiction and application of the Ethics Act as well as information on training regarding the act.¹⁵⁰ Additionally, the State Ethics Commission utilizes information the Secretary of State's Office maintains related to public service districts and special purpose tax districts to manually add and delete entities from the State Ethics Commission's electronic filing system for purposes of statements of economic interests.¹⁵¹ The State Ethics Commission believes convening such a group of representatives to determine potential opportunities to gain efficiencies in recording and sending information would be beneficial.¹⁵²

Sharing common information, between agencies, may improve accuracy as it limits the need for multiple data entry points. In addition, determining a way to send a single correspondence with information from multiple agencies may improve interaction with elected and appointed officials, and save the state costs, as it would avoid the same official receiving separate correspondence from each agency.

RECOMMENDATION #17. Data sharing with DMV, SEC, etc.

The Subcommittee recommends the Secretary of State's Office convene stakeholders (e.g., Department of Motor Vehicles and State Election Commission) *to determine potential opportunities to gain efficiencies for individuals who must update their address with multiple state agencies (e.g., providing an individual the option, when they update their address with one agency, for it to automatically update their address with other applicable agencies)*. Provide the Committee an update in the next twenty-four months. When an individual changes their address, there may be multiple state entities to notify in order to ensure proper continuation of the individual's rights.¹⁵³ An agreement between state agencies may allow an individual who updates their information to voluntarily check boxes to request their information be automatically updated with other applicable agencies. This option may save the taxpayer time and increase the speed and accuracy of information maintained by each of the different agencies. Additionally, to avoid the taxpayer needing to provide the information again, should any individual agency system go down, and it may be helpful to have the information backed up in a central location, in addition to with each agency. The Department of Motor Vehicles is in support of discussing potential opportunities for collaboration.¹⁵⁴

Also, the Secretary of State's Office should continue pursuing potential data sharing agreements with other agencies to improve operations (e.g., Department of Revenue to contact tax filers to determine mailing addresses for registered agents; Department of Employment and Workforce to share information on employment agencies; Department of Consumer Affairs to share information in identifying counterfeit goods and combatting counterfeit trafficking, etc.).¹⁵⁵

RECOMMENDATION #18. Municipal and mapping information sharing with RFA, etc.

The Subcommittee recommends the Secretary of State's Office work with stakeholders (e.g., State Revenue and Fiscal Affairs Office; Municipal Association of South Carolina and others) who may have geographic information system mapping *to determine potential opportunities for linking information each has available about municipalities, special purpose districts, and other areas to assist the public in locating this type of information*. Provide the Committee an update on the status of the efforts in the next twelve months. The

Secretary of State’s Office is responsible for matters relating to municipal incorporations, cancellations, and annexations.¹⁵⁶ It does not currently maintain a list of municipalities, or information related to each, on its website.¹⁵⁷ However, the agency has the information as it provided the Subcommittee a table listing all municipalities in the state and, for each, date of incorporation and county(ies) in which it is located.¹⁵⁸ Also, the agency is in the process of developing an internal municipalities database and states it is open to consider providing information from that database online.¹⁵⁹

In addition to municipalities, the Secretary of State’s Office is responsible for matters relating to special purpose districts, including production of a special purpose district directory that includes a list of active and inactive special purpose districts.¹⁶⁰ Over the years, the Secretary of State’s Office has received requests from the General Assembly for documents, including maps, related to both municipalities and special purpose districts.¹⁶¹

The mission of the Mapping Section of the Revenue and Fiscal Affairs Office (RFA) is to provide “mapping, demographic, and statistical analysis of various geographical areas in South Carolina to the General Assembly, local governments and state agencies regarding boundaries and locations for election districts, emergency services, and geodetic controls.”¹⁶² RFA already has the following maps online:

Table 11. State maps the Revenue and Fiscal Affairs Office has online

Elected Official
<ul style="list-style-type: none"> • Senate Districts <ul style="list-style-type: none"> ○ Map of the state showing all of the districts in the state ○ Map of each district • House Districts <ul style="list-style-type: none"> ○ Map of the state, showing all of the districts in the state ○ Map of each district • Congressional Districts <ul style="list-style-type: none"> ○ Map of the state, showing all of the districts in the state ○ Map of each county in which the entire county is not within the same congressional district to show which part of the county is in which congressional district • Voting Precincts <ul style="list-style-type: none"> ○ Map of each county showing precincts within the county
Education
<ul style="list-style-type: none"> • School Districts <ul style="list-style-type: none"> ○ Map of each school district
Judicial
<ul style="list-style-type: none"> • Magistrate Districts <ul style="list-style-type: none"> ○ Map of each county showing magistrate jury areas within the county

Since RFA has a division that is already working to provide maps of geographical areas in the state, and the Secretary of State’s Office receives requests for the same type of information, there may be efficiencies gained from collaboration of these agencies and others (e.g., State Election Commission, Court Administration re: judicial circuit map, etc.) including, but not limited to, the following:

- Adding links to applicable sections of each agency’s website;
- Secretary of State’s Office working with Mapping Section to create a map of municipalities and special purpose districts to add to Mapping Section’s statewide maps (and Mapping Section add the judicial circuits to its statewide maps); and

- Secretary of State’s Office utilizing Mapping Section’s maps on the Secretary of State’s Office Boards and Commissions search pages so individuals using the page can easily determine in which congressional and judicial circuit they live.¹⁶³

Modernization of Laws

The Subcommittee makes one recommendations to the Secretary of State’s Office related to modernization of laws, and a summary is in Table 12.

Table 12. Summary of recommendations to the Secretary of State’s Office related to modernization of laws

Modernization of Laws	19. Request the General Assembly repeal provisos 96.2 and 96.3 as part of the agency’s budget requests next year
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RECOMMENDATION #19. Charitable funds violations communication

The Subcommittee recommends the Secretary of State’s Office request the General Assembly repeal provisos 96.2 and 96.3 as part of the agency’s budget requests next year.¹⁶⁴ These provisions state the following:

96.2. (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

96.3. (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.¹⁶⁵

According to the Secretary of State’s Office, there was only one referral that met the specific criteria of the proviso, which occurred the same year the provisos were first included in the budget (2014-15), and the Attorney General did not take further action following its investigation.¹⁶⁶ However, the Secretary of State’s Office and Attorney General’s Office regularly communicate regarding persons engaged in charitable solicitation whose alleged misconduct would fall under the jurisdiction of the Attorney General.¹⁶⁷ Therefore, given the existing working relationship between the two offices, and the infrequency of actions that meet the specific criteria, the Secretary of State’s Office believes these provisos are unnecessary and will ask they be deleted in their budget request next year.¹⁶⁸

Recommendations to the General Assembly

The Subcommittee has ten recommendations for the General Assembly. The Subcommittee's recommendations to the General Assembly fall into two categories: (1) efficiency and (2) modernization of laws. An overview of these recommendations is provided in the Executive Summary.

Efficiency

The Subcommittee makes six recommendations to the General Assembly related to efficiency, and a summary is in Table 13.

Table 13. Summary of recommendations to the General Assembly related to efficiency

Efficiency	<u>Notaries</u>
	20. Allow electronic notarization.
	21. Allow remote online notarization.
	22. Remove requirement that notaries enroll their notary commissions with the clerk of court in the county in which they reside by repealing S.C. Code Section 26-1-50.
	<u>Elections</u>
	23. Remove requirement that certain information related to political parties be filed with the Secretary of State's Office as the information is already filed with another state entity or county clerk of court by amending S.C. Code Sections 7-9-10, 7-9-80, and 7-9-100.*
24. Remove requirement that the Secretary of State's Office publish certified election results in newspapers as the State Election Commission publishes this information on its website, by repealing S.C. Code Section 7-17-320.*	
25. Remove requirement that the Secretary of State's Office send certified election results to elected individuals by repealing S.C. Code Section 7-17-310.	

Table Note: An asterisk (*) indicates the recommendation was proposed by the Secretary of State's Office.

Background on electronic and remote online notarization

The Secretary of State's Office cites electronic and remote online notarization as emerging issues impacting the agency and state.¹⁶⁹ The National Association of Secretaries of States supports both electronic and remote online notarization.¹⁷⁰ Additionally, many states have adopted legislation allowing electronic and remote online notarization.¹⁷¹ According to the Secretary of State's Office, South Carolina may need to provide these services to stay competitive with other states.¹⁷²

Since the Secretary of State’s Office is responsible for the commissioning notaries, in August of 2018, the agency assembled an E-Notary Task Force to review the issue.¹⁷³ This group of interested parties developed draft legislation to allow state residents to utilize the new technology.¹⁷⁴

Electronic and remote online notarization are the equivalent of signing a sheet of paper, but they allow for easier transmittal of the document via email or another electronic means and provide for electronic filing.¹⁷⁵ South Carolina could allow electronic notarization, remote online notarization, or both. The Subcommittee recommends authorization of both in recommendations 20 and 21.¹⁷⁶

RECOMMENDATION #20. Electronic notarization

The Subcommittee recommends the General Assembly allow electronic notarization. Electronic notarization allows a signor, and notary, to electronically sign a document and submit it electronically for filing, such as with one of the counties that currently provide e-recording at their Register of Deeds office.¹⁷⁷

Electronic notarization is similar to current notarization of documents because both the notary and signor sign the document.¹⁷⁸ Additionally, the signor physically appears in the same room in front of the notary.¹⁷⁹ It differs from current notarization in that both the notary and signor sign with an electronic signature and the documents are transmitted electronically.¹⁸⁰ This has the benefit of reducing the resources needed to transmit the documents, since mailing or physically bringing a hard copy are no longer necessary. Additionally, it allows for transmission of notarized documents, which are essential for some types of business (e.g., closing on a house, etc.) during situations in which business’ may not be open to the public, like the COVID-19 pandemic.

States that allow electronic notarization are listed and shown in Figure 8.

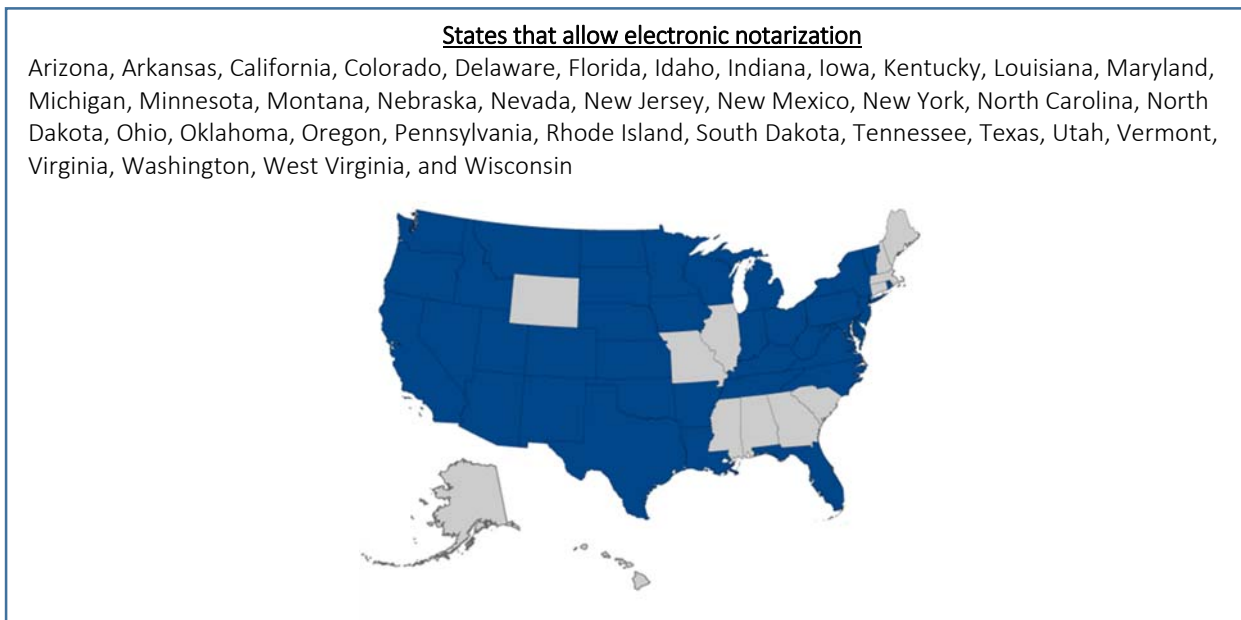


Figure 8. States that allow electronic notarization¹⁸¹

RECOMMENDATION #21. Remote online notarization

The Subcommittee recommends the General Assembly allow remote online notarization. Remote online notarization is similar to current notarization because it requires the signor sign a physical document.¹⁸² Additionally, it requires a notary watch the signor sign the document.¹⁸³ It differs from current notarization in that the notary and signor can be in two different locations with the signor appearing in front of the notary in a virtual/live camera format using audio-visual technology.¹⁸⁴ Remote online notarization would allow a South Carolina attorney to facilitate a real estate closing in South Carolina for a client who may be located out of town, out of state, or even out of the country.¹⁸⁵ Additionally, it allows for signing of notarized documents in times where individuals cannot interact face to face, even when located in the same town.

States that allow remote online notarization are listed and shown in Figure 9.

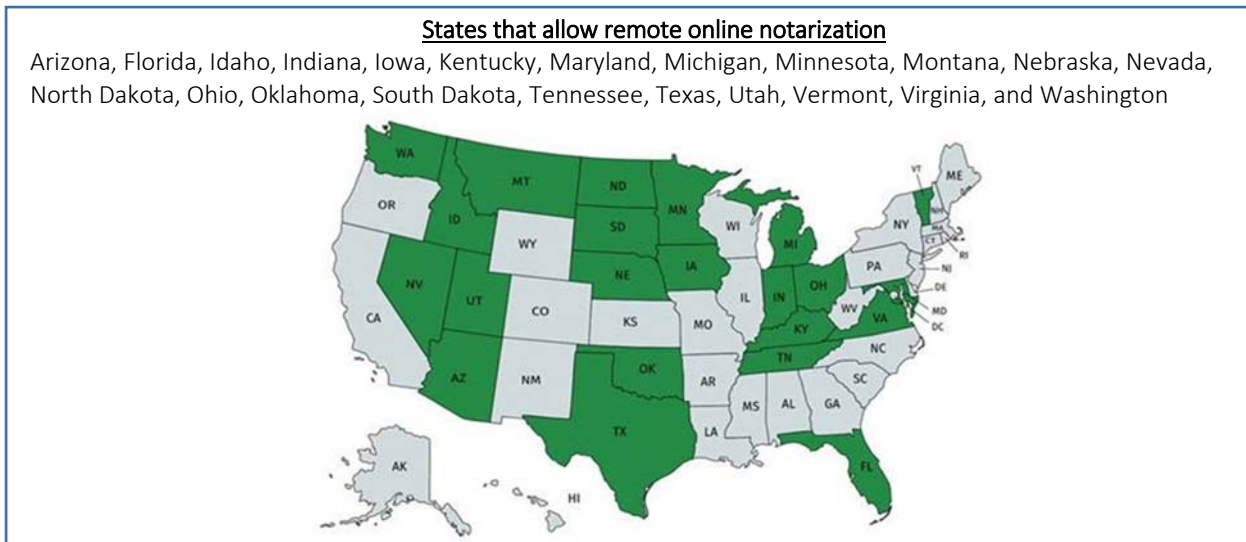


Figure 9. States that allow remote online notarization¹⁸⁶

RECOMMENDATION #22. Notary commission filing with clerk of court, remove requirement

The Subcommittee recommends the General Assembly remove the requirement that notaries enroll their notary commissions with the clerk of court in the county in which they reside by repealing S.C. Code Section 26-1-50. The Secretary of State’s Office supports the repeal of S.C. Code Section 26-1-50 since the agency’s website provides a notary search function that allows the public to search notaries by name and county.¹⁸⁷ Repealing the statute may save both notaries and counties time and resources, as there is currently a ten-dollar filing fee notaries must pay to file with the county and accepting and logging the filing requires time from county employees.¹⁸⁸

Proposed language to implement this recommendation is included in Table 14.

Table 14. Proposed statutory changes to remove the requirement that notaries enroll their notary commissions with the clerk of court in the county in which they reside

Recommended revision	<p>SECTION 26-1-50. Enrollment of commission.</p> <p>Within fifteen days after he has been commissioned, a notary public must exhibit his commission to the clerk of the court of the county in which he resides and be enrolled by the clerk.</p>
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Elections

RECOMMENDATION #23. Political party information filing requirement

The Subcommittee recommends the General Assembly remove the requirement that certain information related to political parties be filed with the Secretary of State's Office as the information is already filed with another state entity or county clerk of court by amending S.C. Code Sections 7-9-10, 7-9-80, and 7-9-100, as recommended by the Secretary of State's Office. Although the State Election Commission is primarily responsible for administering Chapter 9 of Title 7, which governs political party organization, there are some requirements to file items with both the State Election Commission and the Secretary of State's Office.¹⁸⁹ According to the Secretary of State's Office, this is duplicative of agency resources.¹⁹⁰

Proposed language to implement this recommendation is included in Table 15.

Table 15. Proposed statutory changes to remove the requirement that certain information related to political parties be filed with the Secretary of State's Office

Recommended revision	<p>SECTION 7-9-10. Certification and decertification of political parties.</p> <p>Political parties desiring to nominate candidates for offices to be voted on in a general or special election shall, before doing so, have applied to the State Election Commission (Commission) for certification as such. Parties shall nominate candidates of that party on a regular basis, as provided in this title, in order to remain certified. Any certified political party that fails to organize on the precinct level as provided by law, hold county conventions as provided by Sections 7-9-70 and 7-9-80, and hold a state convention as provided by Section 7-9-100; that fails to nominate candidates for national, state, multi-county district, countywide, or less than countywide office by convention or party primary as provided by Sections 7-11-20, 7-11-30, and 7-13-40; and that fails to certify the candidates as provided by Section 7-13-350 in at least one of two consecutive general elections held on the first Tuesday following the first Monday in November of an even-numbered year, or that fails to nominate and certify candidates in any other election which might be held within the period of time intervening between the two general elections, must be decertified by the State Election Commission. The party must be notified in writing of its decertification at the last address of record. If the notification of decertification is returned as undeliverable, it must be placed on file in the office of the State Election Commission and with the Secretary of State.</p> <p>Any decertified party or any noncertified party, organization, or association may obtain certification as a political party at any time by filing with the Commission a petition for the certification signed by ten thousand or more registered electors residing in this State, giving the name of the party, which must be substantially different from the name of any other party previously certified.</p> <p>No petition for certification may be submitted to the Commission later than six months prior to any election in which the political party seeking certification wishes to nominate candidates for public office.</p> <p>At the time a petition is submitted to the Commission for certification, the Commission shall issue a receipt to the person submitting the petition which</p>
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reflects the date the petition was submitted and the total number of signatures contained therein. Once the petition is received by the Commission, the person submitting the petition shall not submit or add additional signatures.

If the Commission determines, after checking the validity of the signatures in the petition, that it does not contain the required signatures of registered electors, the person submitting the petition must be notified and shall not submit any new petition seeking certification as a political party under the same name for one year from the date the petition was rejected.

Once a petition for certification has been submitted and rejected by the Commission, the same signatures may not be submitted in any subsequent petition to certify a new political party.

Once submitted for verification, a petition for certification may not be returned to the political party, organization, or association seeking certification, but shall become a part of the permanent records of the Commission.

SECTION 7-9-80. County conventions; organization and conduct of business. Each county convention shall be called to order by the county chairman and shall proceed to elect a temporary president, a temporary secretary and a committee on credentials for the purpose of organizing. When organized, it shall elect a permanent president, a secretary and treasurer. It shall also elect the county chairman, the county vice-chairman and a member of the state committee from the county and as many delegates to the state convention as triple the number of members from the county in the House of Representatives, plus one. But county conventions at their discretion may elect double the number of delegates in which case each delegate shall have one-half vote. The secretary of the convention shall keep a record of the proceedings in the minute book.

All officers except delegates shall be reported to the clerk of court of the county and to the ~~Secretary of State~~ State Election Commission prior to the state convention. The reports shall be public record.

SECTION 7-9-100. State convention.

The state convention shall meet at a location in this state determined by the state committee to have adequate facilities during a thirteen-month period ending May fifteenth of every general election year on a day and at a time fixed by the state committee and announced publicly at least ten days before the meeting. The state committee shall notify the delegates to the state convention of the accommodations that are available for the delegates during the convention. This listing must be as complete as practicable and must include the accommodations in close proximity to the convention site as well as any other accommodations that are chosen by the state committee. This notice must include the name and location of the accommodations, the cost per day, and any discounts or surcharges that are applicable during the period of the convention. Should the state committee fix the date for the state convention in

	<p>a nongeneral election year, it must be held for the purpose of reorganization only. The convention to be held for the purpose of nominating candidates for public office to be filled in the general election must be held in the general election year. At the time that the state committee sets the date for the state convention it shall set what month during the twelve-month period ending March thirty-first of every general election year that the county convention must be held. If it sets a month in a nongeneral election year for the county conventions to be held for the purpose of reorganization, it must set a month during the general election year for the county convention to be reconvened for the purpose of nominating candidates for public office to be filled in the general election. Sufficient advance notice of the month set for county conventions must be given to county executive committees so that the public notices required by law may be met. The convention must be composed of delegates elected by the county conventions. Each county is entitled to one delegate for each six thousand residents of the county, according to the latest official United States Census, plus two additional members. If a county has a fractional portion of population of at least three thousand residents above its last six thousand resident figure it is entitled to an additional delegate. When the state convention assembles, it must be called to order by the chairman of the state committee. A temporary president must be nominated and elected by the convention, and after its organization the convention shall proceed immediately to the election of permanent officers and to the transaction of business. When the business has concluded it shall adjourn sine die, or may recess. The state chairman may recall the state convention into special session at any time he determines appropriate.</p> <p>The officers of the state convention must be a president, vice president, two secretaries, and a treasurer. Each county delegation to a state convention may fill any vacancies therein. Any county failing or refusing to organize under the provisions of this title may not have representation in the state convention. The state officers must be reported to the Secretary of State and to the State Election Commission within fifteen days of their election and the reports must be public record.</p>
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RECOMMENDATION #24. Election result publication in newspaper, remove requirement

The Subcommittee recommends the General Assembly remove the requirement that the Secretary of State’s Office publish certified election results in newspapers as the State Election Commission publishes this information on its website, by repealing S.C. Code Section 7-17-320, as recommended by the Secretary of State’s Office.¹⁹¹ According to the Secretary of State’s Office this statute, which has not been updated in over 50 years, no longer reflects current agency practices, as certified election results are published by the State Election Commission on its website.¹⁹² The Secretary of State’s Office asserts compliance with this section would duplicate agency efforts and would unnecessarily expend agency resources with little or no benefit to taxpayers.¹⁹³

Proposed language to implement this recommendation is included in Table 16.

Table 16. Proposed statutory changes to remove the requirement that the Secretary of State’s Office publish certified election results in newspapers within the state

Recommended revision	SECTION 7-17-320. Statements printed in public newspapers. The Secretary of State shall cause a copy of such certified statements and determinations to be printed in one or more public newspapers of this State.
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RECOMMENDATION #25. Certified election results mailing, remove requirement

The Subcommittee recommends the General Assembly remove the requirement that the Secretary of State’s Office send certified election results to elected individuals by repealing S.C. Code Section 7-17-310. The Secretary of State’s Office asserts that although S.C. Code Section 7-17-310 requires the agency to send certified election results to the elected individuals, this is not done in practice since the agency typically does not have mailing addresses for the elected individuals prior to the filing of the oath of office.¹⁹⁴ The General Assembly has not updated this requirement in over 50 years.¹⁹⁵ It is no longer necessary because the State Election Commission publishes certified election results on its website and the information is widely circulated by the media.¹⁹⁶

Proposed language to implement this recommendation is included in Table 17.

Table 17. Proposed statutory changes to remove the requirement that the Secretary of State’s Office send certified election results to elected individuals

Recommended revision	Section 7-17-310. Copies of determinations transmitted to persons elected and Governor. The Secretary of State shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected and a like copy to the Governor.
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Modernization of Laws

The Subcommittee makes four recommendations to the General Assembly related to modernization of laws, and a summary is in Table 18.

Table 18. Summary of recommendations to the General Assembly related to modernization of laws

Modernization of Laws	<ul style="list-style-type: none"> 26. Lift the sunset provision on Title 33, Chapter 57, Nonprofit Raffles for Charitable Purposes, which automatically repeals on July 1, 2020 if not reauthorized, with revisions including, but not limited to, allowing organizations with multiple chapters to file simplified annual raffle financial reports.*✓ 27. Ensure statute reflects the Public Charities Division remained with the Secretary of State’s Office, instead of devolving to the Attorney General’s Office, by repealing S.C. Code Section 1-7-117.* 28. Remove references to nonresident taxpayers registering with the Secretary of State’s Office by amending S.C. Code Section 12-8-540 and Section 12-8-550.* 29. Remove the requirement that the Department of Natural Resources file a description of uniforms, emblems, and vehicles with the Secretary of
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State's Office for publication in the State Register by repealing or amending S.C. Code Section 50-3-140.*

Table Note: An asterisk (*) indicates the recommendation was proposed by the Secretary of State's Office. A check mark "✓" indicates the Subcommittee adopted the recommendation before legislation on the issue was adopted by the General Assembly.

RECOMMENDATION #26. Nonprofit raffle sunset lift

The Subcommittee recommends the General Assembly lift the sunset provision on Title 33, Chapter 57, Nonprofit Raffles for Charitable Purposes, which automatically repeals on July 1, 2020 if not reauthorized, with revisions recommended by the Secretary of State's Office including, but not limited to, allowing organizations with multiple chapters to file simplified annual raffle financial reports. The agency supports S.719, which was approved by the General Assembly and enrolled for ratification on September 22, 2020.¹⁹⁷ This legislation lifts the sunset provision on Title 33, Chapter 57.¹⁹⁸ Also, the legislation includes an increase in prize limits for nonexempt raffles from \$40,000 to \$80,000.¹⁹⁹ In addition, the legislation allows organizations with multiple chapters to file simplified annual raffle financial reports.²⁰⁰

RECOMMENDATION #27. Public Charities Division remained with the agency

The Subcommittee recommends the General Assembly consider ensuring statute reflects the Public Charities Division remained with the Secretary of State's Office, instead of devolving to the Attorney General's Office, by repealing S.C. Code Section 1-7-117, as recommended by the Secretary of State's Office. S.C. Code Section 1-7-117 states the duties, functions, and responsibilities of the Secretary of State's Division of Public Charities were devolved upon the Attorney General's Office in July 1996. However, the Division of Public Charities reverted back to the Secretary of State's Office in 1998, pursuant to 1998 Act No. 368.²⁰¹ The Public Charities Division has remained with the Secretary of State's Office since that time, therefore S.C. Code Section 1-7-117 is no longer accurate.²⁰²

Proposed language to implement this recommendation is included in Table 19.

Table 19. Proposed statutory changes to ensure statute reflects the Public Charities Division remained with the Secretary of State's Office, instead of devolving to the Attorney General's Office

Recommended revision	<p>SECTION 1-7-117. Duties of Division of Public Charities devolved upon Attorney General.</p> <p>(A) The duties, functions, and responsibilities of the Division of Public Charities of the office of the Secretary of State are devolved upon the Attorney General's office on July 1, 1996. All personnel, appropriations, and full time equivalent positions of the Division of Public Charities also are transferred to the Attorney General's office on July 1, 1996.</p> <p>(B) The Attorney General shall administer the "South Carolina Solicitation of Charitable Funds Act" as contained in Chapter 56 of Title 33 of the 1976 Code.</p>
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RECOMMENDATION #28. Nonresident taxpayers registering with agency

The Subcommittee recommends the General Assembly consider removing references to nonresident taxpayers registering with the Secretary of State's Office by amending S.C. Code Sections 12-8-540 and 12-8-550, as recommended by the Secretary of State's Office. According to the Secretary of State's Office, currently nonresident taxpayers only file registration forms with the Department of Revenue and not with

the Secretary of State’s Office.²⁰³ The agency asserts the code section unnecessarily duplicates agency actions as written and no longer reflects agency practice.²⁰⁴

Proposed language to implement this recommendation is included in Table 20.

Table 20. Proposed statutory changes to remove references to nonresident taxpayers registering with the Secretary of State’s Office

<p>Recommended revision</p>	<p>SECTION 12-8-540. Withholding for rent or royalty payments to nonresident; exemptions; revocation of exemption.</p> <p>(A) A person making rent or royalty payments to a nonresident of twelve hundred dollars in any calendar year or more annually for the use or privilege of using property in this State shall withhold seven percent of each payment to a nonresident individual, partnership, trust, or estate and five percent of each payment to a nonresident corporation or any other nonresident entity.</p> <p>(B) This section does not apply:</p> <p>(1) to a person for the rental of residential housing units, including short-term rentals, when four or fewer units are owned by the nonresident;</p> <p>(2) to an individual who pays rent directly to a nonresident solely for a residential housing unit which is his legal residence;</p> <p>(3) to a nonresident which has registered with the Secretary of State or the Department of Revenue and by that registration has agreed to be subject to the jurisdiction of the department and the courts of this State to determine its South Carolina tax liability, including estimated taxes, together with any related interest and penalties, if any. Registering with the Secretary of State or the department is not an admission of tax liability. If the person renting from or having a royalty contract with a nonresident obtains an affidavit from the nonresident stating that the nonresident is registered with the department or with the Secretary of State, the person is not responsible for the withholding.</p> <p>The department may revoke the exemption granted by the registration provided in this item if it determines that the nonresident taxpayer is not cooperating with the department in the determination of the nonresident taxpayer’s correct South Carolina tax liability. The revocation does not revive the duty of a person renting from or having a royalty contract with a nonresident to withhold until the person receives notice of the revocation.</p> <p>SECTION 12-8-550. Withholding for nonresident temporarily conducting business or performing personal services; exemption; revocation of exemption.</p> <p>(A) A person hiring or contracting with a nonresident conducting a business or performing personal services of a temporary nature within this State shall withhold two percent of each payment in which the South Carolina portion of the contract exceeds or could reasonably be expected to exceed ten thousand dollars. This section does not apply to a nonresident which registered with the Secretary of State or the Department of Revenue and by that registration agreed to be subject to the jurisdiction of the department and the courts of this State to determine its South Carolina tax liability, including withholding and estimated taxes, together with any related interest and penalties. Registering</p>
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	<p>with the Secretary of State or the department is not an admission of tax liability nor does it require the filing of an income tax or franchise (license) tax return. If the person hiring, contracting, or having a contract with a nonresident obtains an affidavit from the nonresident stating that the nonresident is registered with the department or with the Secretary of State, the person is not responsible for the withholding.</p> <p>(B) The department may revoke the exemption granted by registering with the Secretary of State or the department if it determines that the nonresident taxpayer is not cooperating with the department in the determination of the nonresident taxpayer's correct South Carolina tax liability. This revocation does not revive the duty of a person hiring, contracting, or having a contract with a nonresident to withhold, until the person receives notice of the revocation.</p> <p>(C) This section does not apply to payments on purchase orders for tangible personal property when those payments are not accompanied by services to be performed in this State.</p>
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RECOMMENDATION #29. DNR filing description of uniforms, emblems, etc.

The Subcommittee recommends the General Assembly consider removing the requirement that the Department of Natural Resources (DNR) file a description of uniforms, emblems, and vehicles with the Secretary of State's Office for publication in the State Register by repealing or amending S.C. Code Section 50-3-140, as recommended by the Secretary of State's Office. According to the Secretary of State's Office, this requirement no longer reflects agency practice and unnecessarily duplicates agency resources as the information is filed with the Legislative Council for publication in the State Register.²⁰⁵ Also, DNR supports the recommendation.²⁰⁶

Proposed language to implement this recommendation is included in Table 21.

Table 21. Proposed statutory changes to remove requirement for DNR to file a description of uniforms, emblems, and vehicles with the Secretary of State's Office

Recommended revision	<p>SECTION 50-3-140. Publication of description of uniforms and emblems. The department shall file with the Secretary of State and Legislative Council for publication in the State Register a description and illustration of the uniform and emblems of the official enforcement officers' uniforms and motor vehicles and a description of the color of such uniforms and vehicles.</p>
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Recommendations to the Attorney General’s Office

The Subcommittee makes one recommendation to the Attorney General’s Office related to modernization of laws, and a summary is in Table 22.

Table 22. Summary of recommendations to the Attorney General’s Office related to modernization of laws.

Modernization of Laws	30. Avoid conflicts with state law by starting proceedings to remove agency regulation 102-1.*
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Table Note: An asterisk (*) indicates the recommendation was proposed by the Secretary of State’s Office.

RECOMMENDATION #30. Conflicts of law

The Subcommittee recommends the Attorney General’s Office avoid conflicts with state law by starting proceedings to remove agency regulation 102-1.²⁰⁷ The Secretary of State’s Office believes this regulation conflicts with S.C. Code Section 33-56-50(C) of the Solicitation of Charitable Funds Act, which states that a filing fee is not required of an exempt organization.²⁰⁸ In addition, the Solicitation of Charitable Funds Act is no longer administered by the Attorney General’s Office.²⁰⁹ After made aware of the issue by the Subcommittee, the Attorney General sent a notice of drafting to the South Carolina Legislative Council to begin the process of removing the regulation.²¹⁰

Proposed language to implement this recommendation is included in Table 23.

Table 23. Proposed regulatory changes to avoid conflict with state law

Recommended revision	<p>CHAPTER 102 Attorney General—Division of Public Charities Statutory Authority: 1976 Code Chapter 55 of Title 33 Code</p> <p>102-1 Fees to Accompany Request for Confirmation of Solicitation Exemption: A fee of five dollars shall accompany the filing of a request for confirmation of the availability of an exemption under Section Section [sic] 33-55-50 or 33-55-60 of the 1976 Code. This rule will become effective January 7, 1976.</p>
Applicable state law	<p>SECTION 33-56-50. Organizations exempt from registration provisions; alternate filings; fundraising activities.</p> <p>(A) The following are not required to file registration statements with the Secretary of State if their fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:</p> <p>(1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;</p> <p>(2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his use, as long as the person soliciting the contributions is not a named beneficiary;</p>

(3) a charitable organization which (a) does not intend to solicit or receive contributions from the public in excess of twenty thousand dollars in a calendar year and (b) has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than five hundred dollars in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, within thirty days after the date the contributions exceed these amounts, the organization must register with and report to the Secretary of State as required by this chapter;

(4) an organization which solicits exclusively from its membership, including a utility cooperative;

(5) a veterans' organization which has a congressional charter; and

(6) the State, its political subdivisions, and an agency or a department of the State which are subject to the disclosure provisions of the Freedom of Information Act.

(B) The following are not required to file registration statements with the Secretary of State regardless of whether or not their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:

(1) a public school district located in the State and any public school teaching pre-K through grade twelve located within the public school district. For purposes of this chapter, the term "public school" includes any student organization within the school that does not maintain separate financial accounts or a separate federal Employer's Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school's student activity fund; and

(2) a charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, the organization shall register and report to the Secretary of State as required by this chapter within thirty days after the date the contributions exceed these amounts.

(C) A charitable organization claiming to be exempt from the registration provisions of this chapter and which solicits charitable contributions must submit annually to the Secretary of State, on forms prescribed by the Secretary of State, the name, address, and purpose of the organization and a statement setting forth the reason for the claim for exemption. If appropriate, the Secretary of State or his appropriate division shall issue a letter of exemption that may be exhibited to the public. A filing fee is not required of an exempt organization.

(D) A professional solicitor, professional fundraising counsel, or commercial

	<p>coventurer conducting fundraising activities on behalf of an exempt organization must comply with the registration and filing requirements of this chapter.</p> <p>HISTORY: 1994 Act No. 461, Section 1; 1996 Act No. 294, Section 1; 1996 Act No. 458, Part II, Section 28F; 1998 Act No. 368, Section 7; 2000 Act No. 336, Section 1; 2007 Act No. 69, Section 2, eff June 13, 2007; 2013 Act No. 43, Section 1, eff June 7, 2013.</p>
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STUDY RELATED INTERNAL CHANGES

During the study process, there are two internal changes implemented directly related to participation in the study process. Those changes are detailed below.

Secretary of State's Office

INTERNAL CHANGE #1. Regular reviews of ratified acts to ensure state seal is applied

During the study, the agency noted senior staff members “periodically” review ratified acts to ensure division staff have applied the state seal as required.²¹¹ In response to questions from Subcommittee members, agency personnel testified they would not oppose performing this review on a regular basis.²¹² As of March 2020, the agency has updated its policies and procedures to include the following “Scheduled Review of Ratified Acts,” provision:

The Notaries Director shall manually review all ratified acts to verify that the state seal has been correctly applied. This review shall occur during the legislative session on the 1st and 15th of each month, or the following business day if the 1st and 15th is on a weekend, state holiday, or when the Notaries Director is on leave. Additionally, a member of the Legal Division shall manually review all ratified acts on April 1st of each year, and upon the close of the legislative session, to verify the application of the state seal to each ratified act.²¹³

For further discussion of the state seal, see the September 27, 2019, Subcommittee meeting starting at 1:20:21 in the archived video.

INTERNAL CHANGE #2. Providing reports to LSA in compliance with state law

To ensure all required agency reporting is accessible to the General Assembly and the public, the agency posts the reports online on the Secretary of State's Office website at www.sos.sc.gov.²¹⁴ However, the agency has not been providing electronic copies of the reports to the Legislative Service Agency or printed and/or electronic copies of reports to the State Library for some time, as required in statute. When asked about this during the study process, the agency states it will begin complying with these requirements immediately.²¹⁵ Presently, the agency's Annual Accountability Report is available on the State Library's website.²¹⁶

STUDY PROCESS

Agency Selection

The Secretary of State's Office is an agency subject to legislative oversight.²¹⁷ On December 5, 2018, during the 123rd General Assembly, the Committee prioritizes the agency for study.²¹⁸

As the Committee encourages **collaboration in its legislative oversight process**, the Committee notifies the following individuals about the agency study: Speaker of the House, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor.

Subcommittee Membership

The **Executive Subcommittee of the House Legislative Oversight Committee studies the agency**.²¹⁹ The study occurs during the 123rd General Assembly. Throughout the study, the Honorable Gary E. Clary serves as chair. Other Subcommittee Members include:

- The Honorable Chandra E. Dillard;
- The Honorable Laurie Slade Funderburk; and
- The Honorable Weston J. Newton.

Agency Reports to Legislative Oversight Committee

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Details about each report, including the submission dates, are included in Appendix B. The Committee posts each report on the agency page of the Committee's website.

Information from the Public

Public input is a cornerstone of the House Legislative Oversight Committee's process.²²⁰ There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Committee.²²¹ During the study, media articles related to the agency are compiled for member review. Details about each form of input are included in Appendix C.

Meetings Regarding the Agency

The Committee meets with, or about, the agency on two occasions, and the Subcommittee meets with, or about, the agency on five occasions. All meetings are open to the public and stream live online; also, the videos are archived, and the minutes are available online. A timeline of meetings and other actions is in Figure 10.

Legislative Oversight Committee Actions

- December 5, 2018 - Holds **Meeting #1** to prioritize the agency for study
- January 9, 2019 - Provides the agency notice about the oversight process
- February 27 - April 1, 2019 - Solicits input about the agency in the form of an online public survey
- August 13, 2019 - Holds **Meeting #2** to obtain public input about the agency

Executive Subcommittee Actions

- September 27, 2019 - Holds **Meeting #3** to discuss the agency's history and mission; qualifications and duties of the agency head; overview of divisions, finances, and employees; federal and local counterparts; compliance with records management, regulations and reporting; audit and risk mitigation practices; and successes, challenges, and emerging issues
- October 28, 2019 - Holds **Meeting #4** to discuss the agency's public charities unit and related deliverables
- December 5, 2019 - Holds **Meeting #5** to discuss the agency's business filings, information technology, and administration units and related deliverables; and notaries, boards and commissions, authentications, and apostilles related deliverables
- December 9, 2019 - Holds **Meeting #6** to discuss the agency's municipalities deliverables
- June 25, 2020 - Holds **Meeting #7** to discuss Subcommittee findings and recommendations

Secretary of State's Office

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- May 3, 2019 - Submits its **Program Evaluation Report**

Public's Actions

- February 27 - April 1, 2019 - Provides input about the agency via an **online public survey**
- Ongoing – Opportunity to submit written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

Figure 10. Summary of key dates and actions in the study process

<p>December 5, 2018 Full Committee</p>	<p>The full Committee holds Meeting 1 to prioritize the agency for study.²²²</p>
<p>August 13, 2019 Full Committee</p>	<p>The full Committee holds Meeting 2 with the agency to receive public testimony about it, Department of Education, and Department of Probation, Parole, and Pardon Services.²²³ No individuals testify about their experiences with the Secretary of State’s Office. Secretary of State Mark Hammond makes brief comments about the agency to the Committee.</p>
<p>September 27, 2019 Subcommittee</p>	<p>The Subcommittee holds Meeting 3 with the agency.²²⁴ Secretary Hammond provides remarks and introduces Ms. Melissa Dunlap, Deputy Secretary of State and Chief Legal Counsel. Ms. Dunlap provides an overview of the agency, including its history, mission and vision, and organizational structure. During, and after this testimony, Ms. Dunlap responds to questions from Subcommittee members.</p>
<p>October 28, 2019 Subcommittee</p>	<p>The Subcommittee holds Meeting 4 with the agency.²²⁵ Ms. Shannon Wiley, General Counsel for the Secretary of State’s Office, presents information on the agency’s charities, investigations, trademarks, and related legal deliverables. Also, she presents information on associated performance measures, financial data, and law recommendations. During, and after this testimony, agency representatives respond to questions from Subcommittee members.</p>
<p>December 5, 2019 Subcommittee</p>	<p>The Subcommittee holds Meeting 5 with the agency.²²⁶ Ms. Dunlap, Deputy Secretary of State and Chief Legal Counsel, provides testimony about the agency’s business filings, information, and administrative deliverables. Also, she presents information on associated performance measures, financial data, and law recommendations. Ms. Wiley, General Counsel for the Secretary of State’s Office, presents information about the agency’s notaries, authentications, boards and commissions deliverables, as well as associated performance measures, financial data, and law recommendations. During, and after testimony from these individuals, agency representatives respond to questions from Subcommittee members.</p>
<p>December 9, 2019 Subcommittee</p>	<p>The Subcommittee holds Meeting 6 with the agency.²²⁷ Ms. Wiley, General Counsel for the Secretary of State’s Office, presents information about the agency’s municipalities and remaining legal deliverables, as well as associated performance measures, financial data, and law recommendations. During, and after her testimony, agency representatives respond to questions from Subcommittee members.</p>

June 25, 2020
Subcommittee

The Subcommittee holds **Meeting 7** with the agency.²²⁸ Members discuss potential findings and recommendations for the Subcommittee study report. During the discussion, agency representatives respond to questions from Subcommittee members.

Study Process Completion

Pursuant to Committee Standard Practice 11.8, **any Subcommittee member may provide a separate written statement for inclusion with the Subcommittee's study report.** After receipt of any written statements, the Subcommittee Chair, pursuant to Committee Standard Practice 11.9, notifies the Committee Chair in writing that a Subcommittee study is available for consideration by the full Committee.

Pursuant to Committee Standard Practice 12, the Committee Chair includes the Subcommittee Study on the agenda for a full Committee meeting after receiving written notice from the Subcommittee Chair. During a full Committee meeting at which the Subcommittee study is discussed, the Committee may vote to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency receives a copy.²²⁹

To support the Committee's ongoing oversight by maintaining current information about the agency, the agency may receive an annual Request for Information.

SELECTED AGENCY INFORMATION

Secretary of State’s Office. “Program Evaluation Report, 2018-2019.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SecretaryofState’sOffice%20PER%20-%20Complete%20Submission%20-%20Final.pdf> (accessed May 19, 2020).

Secretary of State’s Office. “Restructuring and Seven-Year Plan Report, 2015.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Secretary%20of%20State.pdf> (accessed May 19, 2020).

Secretary of State’s Office. “Agency Accountability Report, 2018-19.”

<https://www.scstatehouse.gov/reports/aar2019/E080.pdf> (accessed May 19, 2020).

S.C. House of Representatives, Legislative Oversight Committee. “Responses to public survey (open February 27-April 1, 2019).”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Survey%20Results%20\(February%2027%20-%20April%201,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Survey%20Results%20(February%2027%20-%20April%201,%202019).pdf) (accessed May 19, 2020).

INDEX OF ADDITIONAL INFORMATION AVAILABLE ON THE COMMITTEE WEBSITE

Additional information below is available on the Committee website.²³⁰

Searchable Information and Databases

- Searchable information on Secretary of State's website
- Secretary of State databases

Charities and Professional Fundraisers

Charities

- What is a charity and what are the three main aspects of regulation?
- Charitable organization registration statement
- Number of charitable organizations filing registration statements (FY 2015-16 – FY 2018-19)
- Exemption from registering as a public charity
- Number of charitable organizations filing applications for registration exemption (FY 2015-16 – FY 2018-19)
- Number of charities soliciting in S.C. (FY 2015-16 – FY 2018-19)
- Public charity annual financial report and extension requests
- Number of public charity annual financial report and extension request filings (FY 2015-16 – FY 2018-19)
- State payroll deduction application for public charity
- Number of charities and raffles training presentations (FY 2013-14 – FY 2018-19)
- Number of injunctions filed against charitable organizations, professional fundraisers, etc. (FY 2015-16 – FY 2018-19)
- Number of multistate actions against charities (FY 2014-15 – FY 2018-19)
- Percentage of charities filings submitted online (FY 2013-14 – FY 2018-19)

Professional Fundraiser Filings

- Required filings for different types of professional fundraisers
- Registration application for...
 - professional solicitor company
 - individual professional solicitor
 - professional fundraising counsel
 - commercial co-venturer
- Number of professional fundraisers filing registration applications (FY 2015-16 – FY 2018-19)
- Notices of solicitation and fundraising contracts
- Joint financial report for a solicitation campaign
- Number of contracts, notices of solicitation and joint financial reports filed (FY 2015-16 – FY 2018-19)
- Percentage of professional fundraiser filings submitted online (FY 2013-14 – FY 2018-19)

Enforcement

- Rejections of filings under Solicitation of Charitable Funds Act (FY 2015-16 – FY 2018-19)
- Enforcement of Solicitation of Charitable Funds Act flowchart: violation, administrative fine, and suspension
- Number of...
 - enforcement actions against charitable organizations and professional fundraisers, by type of enforcement (FY 2015-16 – FY 2018-19)
 - complaints received through online charitable solicitation complaint form (FY 2016-17 – FY 2018-19)
 - investigations opened for alleged violation of Solicitation of Charitable Funds Act (FY 2015-16 – FY 2018-19)

Informing Charitable Giving Decisions

- Charity search engine and suspended charities list
- Number of unique page views on the charity search engine and suspended charity list webpages (FY 2017-18)
- Wise charitable giving and professional solicitor report (Examples)
- Wise charitable giving brochure

Raffles

- Exempt and nonexempt raffles at a glance
- Nonprofit raffle annual registration form
- Nonprofit raffle annual financial report
- Number of raffle filings: registrations and financial reports (FY 2015-16 – FY 2018-19)
- Nonprofit raffle filing rejections (FY 2015-16 – FY 2018-19)
- Number of notices issued for raffle violations: fine and suspension (FY 2015-16 – FY 2018-19)
- Nonprofit raffle investigations and investigative subpoenas (FY 2015-16 – FY 2018-19)
- Nonprofit raffle public education – brochure and webinar
- Number of charities and raffles training presentations (FY 2013-14 – FY 2018-19)
- Percentage of raffles filings submitted online (FY 2014-15 – FY 2018-19)
- Nonprofit raffle legislation and agency recommendations (12.4.19)

Trademarks and Counterfeit Goods

Counterfeit Goods

- Number of counterfeit goods investigations and trainings (FY 2015-16 – FY 2018-19)

Trademark and Service Marks

- Trademark and service mark registration application
- Trademark and service mark registration certificate
- Number of trademark and service mark filings processed (FY 2015-16 – FY 2018-19)
- Publication of active trademarks and service marks
- Livestock brands and earmarks filings (FY 2015-16 – FY 2018-19)

Business Filings

- Number of...
 - business corporation filings (FY 2015-16 – FY 2018-19)
 - nonprofit corporation filings (FY 2015-16 – FY 2018-19)
 - limited liability partnership filings (FY 2015-16 – FY 2018-19)
 - limited partnership filings (FY 2015-16 – FY 2018-19)
 - limited liability company filings (FY 2015-16 – FY 2018-19)
 - benefit corporation filings (FY 2015-16 – FY 2018-19)
 - business filings rejections (FY 2015-16 – FY 2018-19)
- Comparison of number of business filing rejections and acceptances (FY 2015-16 – FY 2018-19)
- Number of transactions on the Secretary of State’s website that relate to business filings (FY 2015-16 – FY 2018-19)

- Number of Uniform Commercial Code (UCC) filings, by type of filing, and rejections (FY 2015-16 – FY 2018-19)
- UCC-1 financing statement filing form
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- Number of UCC filings: UCC-1 financing statement and UCC-3 amendment (FY 2015-16 – FY 2018-19)
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- Number of debtor or secured party searches and UCC certified copies (FY 2015-16 – FY 2018-19)
- Number of UCC filing rejections (FY 2015-16 – FY 2018-19)
- Comparison of number of UCC filing rejections and acceptances (FY 2015-16 – FY 2018-19)
- Sample UCC filing rejection

- Number of business and UCC filing copies (FY 2015-16 – FY 2018-19)

- Number of certificates of existence for business entities furnished by Secretary of State (FY 2015-16 – FY 2018-19)

- High Growth Small Business Job Creation Act required reporting
- Qualified business data
- Number of small businesses registered as qualified businesses for the High Growth Small Business Job Creation Act (FY 2015-16 – FY 2018-19)

- Business corporation administrative dissolution - reasons and statistics

Notaries, Authentications, and Apostilles

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- Notary public application process (current and proposed)
- Notary public commissions
- Number of notary...
 - application filings (FY 2015-16 – FY 2018-19)

- change in status, resignation, and rejected filings (FY 2015-16 – FY 2018-19)
- seminars conducted (FY 2012-13 – FY 2018-19)
- Notary public training and filing fees in S.C. and other southeastern states
- Notary public searchable database

Authentications and Apostilles

- Process for issuance of authentications and apostilles
- Sample...
 - apostille document
 - authentication document
- Number of...
 - authentications and apostilles issued (FY 2015-16 – FY 2018-19)
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Oaths of Office, Election Process, Legislative Acts, and Boards and Commissions

Oaths of Office, Commissions, and Bonds for Public Officials

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 - commissions filed for elected and appointed officials (FY 2015-16 – FY 2018-19)
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Boards and Commissions

- Board and commission vacant and expired positions (as of December 4, 2019)

Service of Process

- Acceptance of service of process for other entities
- Service of process requests
- Service of process fees in S.C. and other southeastern states
- Entities on whose behalf the Secretary of State may accept service of process

Municipalities, Special Purpose Districts, Private Personnel Placement, and Business Opportunities

Municipal and Annexation Filings

- Municipal incorporation process
- List of S.C. municipalities with date of incorporation and county in which located
- Number of annexations filed (FY 2015-16 – FY 2018-19)

Special Purpose Districts

- Special purpose district notification form
- Special purpose district directory

Cable Franchise Authority

- Certificate of cable franchise authority
- Cable franchise authority certificate fee in S.C. and other southeastern states

Private Personnel Placement Services

- Private personnel placement services licenses (FY 2015-16 – FY 2018-19)
- Employment agency licensing - Comparison of requirements in different states

Business Opportunities

- Business opportunities registrations (FY 2015-16 – FY 2018-19)
- Business opportunities - Comparison of laws in different states

Freedom of Information Act

- Number of Freedom of Information Act requests received (FY 2015-16 – FY 2018-19)
- Fee revenue compared to costs for Freedom of Information Act requests (FY 2015-16 – FY 2018-19)

Fines, Fees, Revenues and Costs

Charities Division

- Fine revenue collected from enforcement of Solicitation of Charitable Funds Act (FY 2015-16 – FY 2018-19)
- Fine revenue collected for raffle violations (FY 2015-16 – FY 2018-19)
- Registration fees collected from charitable organizations (FY 2015-16 – FY 2018-19)

- Registration fees collected from professional fundraisers (FY 2015-16 – FY 2018-19)
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- Fee and fine revenue compared to costs for the Public Charities Division (FY 2015-16 – FY 2018-19)
- Charities fines history (2009-2019)

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- Fee revenue collected for business filings by type of entity (FY 2015-16 – FY 2018-19)
- Uniform commercial code filing fees
- Fee revenue collected for UCC filings, searches, and copies (FY 2015-16 – FY 2018-19)
- Fee revenue collected for business certificates of existence, copies, and bulk data (FY 2015-16 – FY 2018-19)
- Fee revenue compared to costs for the Business Filings Division (FY 2015-16 – FY 2018-19)
- Revenue compared to costs for the Information Technology Division (FY 2015-16 – FY 2018-19)
- Fee and fine revenue compared to costs for agency administration and internal operations (FY 2015-16 – FY 2018-19)
- Business filing fees in S.C. - types, costs, and statistics from last five years
- Business filings and fees - common types in Southeastern states
- Uniform Commercial Code (UCC) filing fees in S.C. and other southeastern states
- Uniform Commercial Code (UCC) filing fees in S.C. - Types, costs, and statistics from last five years

Notaries, Authentications, Boards and Commissions Division

- Number of document requests and copy fees collected by the Notaries Division (FY 2016-17 – FY 2018-19)
- Sources of fee revenue for Division of Notaries, Authentications, Boards and Commissions
- Fees collected for notary filings (FY 2015-16 – FY 2018-19)
- Fees collected for authentications and apostilles (FY 2015-16 – FY 2018-19)
- Fees collected for copy requests (FY 2016-17 – FY 2018-19)
- Fee revenue compared to costs for Notaries, Authentications, Board and Commissions Division (FY 2015-16 – FY 2018-19)
- Notary public training and filing fees in S.C. and other southeastern states

Investigations and Trademarks Division

- Trademark and service mark filing fees collected (FY 2015-16 – FY 2018-19)
- Livestock brands and earmarks filing fees collected (FY 2015-16 – FY 2018-19)
- Fee revenue compared to costs for the Investigations and Trademarks Division (FY 2015-16 – FY 2018-19)

Municipalities Division

- Revenue and costs related to municipalities
- Fees collected for service of process (FY 2015-16 – FY 2018-19)
- Service of process fees in S.C. and other southeastern states
- Fees collected for certificates of cable franchise authority (FY 2015-16 – FY 2018-19)
- Fees collected for private personnel placement services licenses (FY 2015-16 – FY 2018-19)
- Fees collected for business opportunities (FY 2015-16 – FY 2018-19)
- Fee revenue compared to costs for Municipalities Division (FY 2015-16 – FY 2018-19)

APPENDIX A. AGENCY OVERVIEW

The Committee requests the agency provide background information via the Program Evaluation Report, Accountability Report, and correspondence.²³¹ The sections below provide an overview of the agency, as reflected in these submissions.

History

The Secretary of State's Office provides the Committee with an overview of the agency's history.²³²

- **March 26, 1776**
 - The state constitution outlines the General Assembly and Legislative Council elect the Secretary of the Colony.²³³ It further requires the Secretary swear to defend the state constitution until an accommodation of the differences between Great Britain and America shall take place.²³⁴
 - **March 19, 1778**
 - The new state constitution outlines the Senate and House of Representatives elect the Secretary of State for a two-year term.²³⁵ It further requires the Secretary of State maintain copies of the laws and swear to defend and serve the state against the King of Great Britain and his successors and serve the state in the Office elected to the best of his skill and understanding.²³⁶
 - **1790**
 - The new state constitution outlines the Senate and House of Representatives elect the Secretary of State for a four-year term and the same person cannot serve consecutive terms.²³⁷ It further requires the Secretary of State affirm he meets the qualifications for the office and swear to discharge the duties to the best of his ability and defend the constitution of the state and the United States.²³⁸
 - **April 8, 1861**
 - The new state constitution outlines the method of election and duties of the Secretary of State in a manner similar to those in the previous state constitution.²³⁹ However, it requires the Secretary of State swear to discharge the duties to the best of his ability and defend the constitution of the state and the Confederate States of America.²⁴⁰
 - **September 27, 1865**
 - The new state constitution outlines the method of election and duties of the Secretary of State in a manner similar to those in the previous state constitution.²⁴¹ However, it requires the Secretary of State swear to discharge the duties to the best of his ability and defend the constitution of the state and the United States.²⁴²
 - **March 17, 1868**
 - The new state constitution outlines the voters of the state elect the Secretary of State to a four-year term and there is no longer a prohibition on serving consecutive terms.²⁴³
 - The duties of the Secretary of State under the prior state constitution continue and the following duties are added:
 - Countersigns all grants and commissions which are sealed with the state seal and signed by the Governor; and
 - Certifies the election of the Governor and Lieutenant Governor.²⁴⁴
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- It further requires the Secretary of State affirm he meets the qualifications for the office, swear to discharge the duties to the best of his ability, recognize the supremacy of the constitution and laws of the United States over constitution and laws of any state, and defend the state and United States constitution.²⁴⁵
 - **September 1895**
 - The new state constitution establishes the current office of Secretary of State.²⁴⁶
 - The method of election of the Secretary of State is similar to the previous state constitution.²⁴⁷
 - The duties of the Secretary of State under the prior state constitution continue and the following duty is added:
 - Countersign all commissions of officers of the State, which are signed by the Governor and sealed with the Great Seal of the State.²⁴⁸
 - It further requires, the Secretary of State affirm he meets the qualifications for the office, swear to discharge the duties to the best of his ability, and preserve, protect, and defend the State constitution and United States constitution.²⁴⁹
 - **June 1967**
 - The law governing notaries, which are commissioned by the Secretary of State, is amended in several ways, including a provision that notaries hold their commissions for ten years.²⁵⁰
 - **July 1979**
 - The Secretary of State becomes an ex officio member of the Commission on Consumer Affairs.²⁵¹ The Commission on Consumer Affairs serves as the policymaking and governing authority of the Division of Consumer Affairs.
 - **June 1981**
 - The General Assembly transfers the licensing and regulation of private employment agencies from the Department of Labor to the Secretary of State's Office.²⁵²
 - **June 1984**
 - The General Assembly enacts the Uniform Limited Partnership Act governing limited partnerships, one type of business entity that files with the Secretary of State's Office, and repeals Chapter 41 of Title 33 relating to the Uniform Limited Partnership Act.²⁵³
 - **April 1988**
 - The S.C. Business Corporation Act of 1988 revises various statutes relating to business corporations, whose filings the Secretary of State's Office is responsible.²⁵⁴
 - **May 1994**
 - The South Carolina Nonprofit Corporation Act of 1994 updates existing state statutes governing nonprofit corporations, entities required to submit filings to the Secretary of State's Office.²⁵⁵
 - **June 1994**
 - The General Assembly provides for the formation of limited liability companies, limited liability partnerships, foreign limited liability partnerships, all of which are business entities that file with the Secretary of State's Office.²⁵⁶
 - The S.C. Solicitation of Charitable Funds Act makes the Secretary of State's Division of Public Charities responsible for regulating charitable organizations and professional fundraisers soliciting contributions in the state.²⁵⁷
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- **May 1996**
 - The Uniform Limited Liability Company Act of 1996 provides the manner in which limited liability companies, a business entity that files with the Secretary of State's Office, shall be operated and governed in the state.²⁵⁸
 - **July 1996**
 - The General Assembly moves the following:
 - Division of Public Charities from the Secretary of State's Office to the Attorney General's Office,²⁵⁹ and
 - Division of Securities from the Secretary of State's Office to the Attorney General's Office.²⁶⁰
 - **July 1998**
 - The General Assembly moves the Division of Public Charities from the Attorney General's Office back to the Secretary of State's Office.²⁶¹
 - The Secretary of State becomes the state office responsible for monitoring state boards and commissions and publicizing vacancies and expiration of terms for state boards and commissions.²⁶²
 - **November 2002**
 - The public elects Mark Hammond as Secretary of State.
 - **January 2003**
 - Mark Hammond sworn in as Secretary of State.
 - **April 2004**
 - Title 33 of the Corporate code undergoes major revisions and limited liability companies no longer have to file annual reports with the Secretary of State's Office.²⁶³
 - **July 2004**
 - The Uniform Electronic Transaction Act (UETA) establishes the legal effect or validity of records in electronic transactions and provides the Secretary of State may implement procedures for the use of electronic records and electronic signatures.²⁶⁴
 - **May 2005**
 - South Carolina Business One Stop (SCBOS) launches. SCBOS is a partnership with the Secretary of State, Department of Revenue Department of Commerce, Budget and Control Board, and the Employment Security Commission, in conjunction with the South Carolina Chamber of Commerce. SCBOS creates a centralized, online destination for businesses seeking to secure various licenses, registrations and permits.
 - **June 2005**
 - The General Assembly authorizes the Secretary of State's Office to reject Uniform Commercial Code filings intended for an improper purpose, such as to defraud, hinder, harass, or otherwise wrongfully interfere with a person, or that listed the same person as secured party and debtor.²⁶⁵
 - **August 2005**
 - Agency implements an electronic document management system (EDMS) in the Business Filings Division, which provides a system to process filings faster, creates the ability to scan and preserve digital images, and looks toward the future when digital images will be available online while securing images of these permanent state records.
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- **March 2006**
 - Agency implements the electronic document management system (EDMS) in the Notaries Division.
 - **May 2006**
 - The S.C. Competitive Cable Services Act designates the Secretary of State's Office as the central state franchising authority for cable services.²⁶⁶
 - **July 2006**
 - The General Assembly provides procedures for the Secretary of State's Office to seek injunctive relief against persons alleged to have violated the S.C. Solicitation of Charitable Funds Act in the Administrative Law Court, as well as a mechanism for persons who have been fined, suspended, or denied registration under the Solicitation of Charitable Funds Act to appeal the agency's determination in the Administrative Law Court.²⁶⁷
 - **November 2006**
 - The public re-elects Mark Hammond as Secretary of State.
 - **June 2007**
 - Amendments to the Solicitation of Charitable Funds Act, for which the Secretary of State's Office is responsible, allow charitable organizations to file their annual registration statements and annual financial report on the same date, and increase the amount of contributions raised by an exempt charitable organization from \$5,000 to \$7,500.²⁶⁸
 - **May 2008**
 - The Uniform Real Property Electronic Recording Act (URPERA) allows county register of deeds offices to receive and record documents in an electronic format and charges the Secretary of State's Office with the responsibility of implementing the act and adopting the standards for the receipt, recording, and retrieval of electronic documents.²⁶⁹
 - **Fall 2008**
 - The agency launches a new website.
 - **February 2009**
 - The agency's Division of Public Charities launches an online filing system, which provides charities and professional fundraisers the ability to file registrations, applications for registration exemption, annual financial reports, fundraising contracts, and joint financial reports online.
 - **April 2010**
 - The Secretary of State's Office promulgates regulations to adopt the Uniform Real Property Electronic Recording Act (URPERA), 113-300 et seq. The General Assembly approves the regulations and publishes them in *The State Register Volume 34, Issue No. 4*, April 23, 2010.
 - **November 2010**
 - The public re-elects Mark Hammond as Secretary of State.
 - **April 2011**
 - The agency launches the Uniform Commercial Code (UCC) in-house system in partnership with South Carolina Interactive (SCI), which changes the processing of UCC filings within the agency and replaces a legacy system.
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- **May 2011**
 - The agency launches the Uniform Commercial Code (UCC) online filing system, which allows businesses and citizens to file, search and retrieve UCC documents electronically. This web-based application, built through a partnership between the Secretary of State's Office and South Carolina Interactive (SCI), allows users to file, correct, amend, terminate, search and retrieve UCC financing statements, and provided convenient 24/7 access, immediate filing confirmation, faster UCC Search processing time and immediate search results.

 - **September 2012**
 - The Secretary of State's Office Uniform Commercial Code (UCC) online filing, search and document retrieval application wins the Digital Government Achievement Award for Best of the Web.

 - **April 2013**
 - The General Assembly provides that qualified nonprofits are eligible to conduct raffles upon approval by voter referendum and charges the Secretary of State's Office with the administration and enforcement of the raffle legislation.²⁷⁰

 - **May 2013**
 - The Uniform Commercial Code (UCC) online filing, search and document retrieval application wins the International Association of Commercial Administrators (IACA) Outstanding Partnership Award for the Secretary of State's Office partnership with South Carolina Interactive (SCI).

 - **June 2013**
 - The Secretary of State's Office becomes responsible for reviewing and accepting filings to determine eligibility of qualified businesses and works in conjunction with the Department of Revenue to fulfill the requirements of the High Growth Small Business Job Creation Act.²⁷¹ The Act provides tax credits to angel investors in order to encourage investment in early stage, high-growth job creating businesses, increase the number of high-quality, high-paying jobs in S.C., and expand the state's economy by enlarging the base of wealth-creating businesses.²⁷²

 - **July 2013**
 - The General Assembly revises statutory provisions related to Uniform Commercial Code Article 9 secured transactions, under which the Secretary of State's Office is responsible for accepting and maintaining filings.²⁷³

 - **September 2013**
 - The Secretary of State's Office Business Filings Division begins microfilm conversion project, which digitizes any agency microfilm still in existence to provide for the preservation of permanent state records.

 - **January 2014**
 - The agency launches its Boards and Commissions Database, which is the first online searchable database of all state boards and commissions in the state. The Secretary of State also provides a current list of expired terms and vacancies on state boards and commissions on its website that updates daily. The Secretary of State's Office maintains databases of information regarding the current composition of these boards and commissions as received from those boards and commissions and from the authorities responsible for appointing members. Pursuant to S.C. Code Section 1-1-1310, each state board and commission must send written notification to the
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Secretary of State's Office of any appointment, election, resignation, or vacancy in its membership.

- **June 2014**
 - The General Assembly makes the first major reforms to the S.C. notary public law, under which the Secretary of State's Office has responsibilities, since the 1960s and includes provisions for issuing apostilles and authentication, for which the Secretary of State's Office is responsible.²⁷⁴
 - **November 2014**
 - Voters approve the constitutional amendment to allow nonprofit raffles in South Carolina.
 - **November 2014**
 - The public re-elects Mark Hammond as Secretary of State.
 - **March 2015**
 - The South Carolina legislature ratifies a constitutional amendment to allow certain nonprofit organizations to conduct raffles in the state of South Carolina.
 - **April 2015**
 - Nonprofit organizations are able to conduct raffles beginning on April 4, 2015. Secretary of State's Office is responsible for overseeing the raffle filing process and enforcing requirements for nonprofit raffles.
 - **July 2015**
 - The agency launches the Business Filings Online Document Request system to provide online access for customers to request corporate documents and receive the documents electronically.
 - **July 2016**
 - The Secretary of State's Office provides a searchable listing of current trademarks and service marks on its website, which updates daily.
 - **January 2017**
 - The Secretary of State's Office launches the Business Entities Online application, which allows the public to file and search corporate documents through the Secretary of State's website. This latest phase of the comprehensive business filing, search, and document retrieval web-based application provides fast turn-around times for customers. The Business Entities In-house application replaces a legacy system and allows agency personnel to enter filings received through the mail or submitted at the office and provide copies of filings electronically. Some of the benefits include convenient 24/7 access, faster turnaround time, secure online payment, and access on desktop computers, tablets, or phones.
 - **July 2017**
 - The Secretary of State's Office launches the Online Charitable Solicitation Complaint Form. This new online option allows citizens to electronically submit a complaint about a charitable organization, professional fundraiser, or raffle to our investigatory staff 24/7.
 - **August 2017**
 - The Secretary of State's Office launches its online notary webinar, which provides educational information on the duties of notaries and the laws governing notaries. The webinar contains the information presented by the agency at its free Notary Public seminars in various locations in the state each year, but which members of the public can access 24/7 from their home or business.
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- **May 2018**
 - The Secretary of State’s Office receives the International Association of Commercial Administrators (IACA) Merit Award for the Business Filings Online Business Entities Filing, Search and Document Retrieval System. The IACA Merit Award recognizes jurisdictions that have developed innovation through the implementation of a new or improved product or service.
 - **November 2018**
 - The public re-elects Mark Hammond Secretary of State.
 - **Summer 2019**
 - The Secretary of State’s Office plans to launch a new agency website.
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Mission and Vision

The mission of the Secretary of State’s Office is to provide innovative technology to enhance the transaction of business in the state, to serve the business community and members of the public with prompt and efficient customer service, to protect the charitable donors of South Carolina, and to fulfill all other statutory duties of the office.²⁷⁵

Legal Obligations

In the Program Evaluation Report, the Committee asks the agency to list the laws applicable to it. Listed below is a summary of the information the agency provides.²⁷⁶

The S.C. Code of Laws mandates the Secretary of State’s Office serve as the state filing office for business corporations, nonprofit corporations, limited partnerships, limited liability partnerships and limited liability companies, as well as for all Uniform Commercial Code Article 9 secured transaction filings. The Secretary of State also serves as the agent for service of process for corporations that do not have authority to transact business in S.C., and serves as registered agent as otherwise provided by statute. In addition to business filings, the Secretary of State’s Office examines and files state trademarks, maintains the state notary public database, and issues commissions for elected officials and those appointed by the Governor. The Secretary of State’s Office is also responsible for issuing all statewide cable franchises and serves as the repository for several types of municipal filings. The office handles the incorporation of municipalities and special purpose districts, the annexations of land, and the escheatment of real property in S.C. Finally, the Secretary of State’s Office regulates charitable organizations, professional fundraisers, nonprofit raffles, business opportunities, and employment agencies.²⁷⁷

Table 24. Summary of Secretary of State’s Office legal obligations²⁷⁸

Code Section	Summary of Laws Applicable to Secretary of State’s Office
Title 1 <i>Administration of the Government</i>	Appoints the Secretary of State as the state official responsible for certifying that certain bonds meet specific statutory requirements, and various other tasks.

Code Section	Summary of Laws Applicable to Secretary of State's Office
<p>Title 4 <i>Counties</i></p>	<p>Requires the Secretary of State investigate petitions to dissolve a special purpose district and publish/serve the petitions and notice of review in applicable places. If the Secretary of State determines that a special purpose district must be dissolved, it requires the Secretary of State file an order of dissolution and publish/serve notice of dissolution in applicable places.</p>
<p>Title 5 <i>Municipal Corporations</i></p>	<p>Requires various duties from the Secretary of State's Office in the municipal incorporation process.</p>
<p>Title 6 <i>Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions</i></p>	<p>Various responsibilities related to:</p> <ul style="list-style-type: none"> • Accept/certify certain filings from special purpose districts; • Investigate any district's failure to provide required information; • Declare district inactive if filing requirements are not met; • Issue/mail a directory of active and inactive special purpose districts in the state to applicable parties; and • Accept/certify certain filings from governmental entities participating in joint agency or joint system.
<p>Title 7 <i>Elections</i></p>	<p>Requires the Secretary of State to record various results of, and matters relating to, canvasses and elections.</p>
<p>Title 11 <i>Public Finance</i></p>	<p>Various responsibilities related to:</p> <ul style="list-style-type: none"> • Issuance of certified copies of bond records; and • Filing and indexing of records.
<p>Title 15 <i>Civil Remedies and Procedures</i></p>	<p>Permits the Secretary of State to charge a fee for service of process on nonresident directors of S.C. corporations. Additionally, it allows the Secretary of State to serve process on out-of-state or foreign corporations.</p>
<p>Title 26 <i>Notaries Public and Acknowledgements</i></p>	<p>Requires the Secretary of State develop the standards and procedures for notaries public in the state, as well as accept notifications of change in status for notaries public.</p>
<p>Title 27 <i>Property and Conveyances</i></p>	<p>Requires the Secretary of State take up the duties of the escheator when probate property in the state is determined to go to the state after the possessor's death.</p>
<p>Title 30 <i>Public Records</i></p>	<p>Requires the Secretary of State provide various certified copies of recorded instruments (i.e., deeds and railroad documents).</p>

Code Section	Summary of Laws Applicable to Secretary of State's Office
Title 33 <i>Corporations, Partnerships and Associations</i>	Requires any person wishing to create a corporation, or specific types of partnerships, to file documentation with the Secretary of State's Office. The entity is also provided with a certificate of existence under this title.
Title 36 <i>Commercial Code</i>	Various responsibilities related to: <ul style="list-style-type: none"> • Accept filing of financing statement to perfect security interest in collateral if it contains sufficient information and is not intended for an improper purpose; • Accept filing of information statement if the filer believes a previously filed record is inaccurate or was wrongfully filed; • Maintain records for public inspection in a searchable index within the Uniform Commercial Code information management system for the applicable period of time; and • Offer for sale or license bulk copies of all records filed under Chapter 9 of Title 36.
Title 37 <i>Consumer Protection Code</i>	Requires the Secretary of State serve as registered agent, and accept service of process, for discount medical plan organizations that have not filed a registered agent with the Secretary of State.
Title 39 <i>Trade and Commerce</i>	Requires the Secretary of State maintain a record of all sellers in trade and commerce offering business opportunity sales to the public. This section also relates to registration of marks or brands with the Secretary of State.
Title 40 <i>Professions and Occupations</i>	Requires the Secretary of State serve as registered agent, and accept service of process, for non-resident prescription drug distributors that have not designated a registered agent with the Secretary of State, as well as those that are not permitted by the Board of Pharmacy.
Title 41 <i>Labor and Employment</i>	Requires the Secretary of State provide license application requirements, license, investigate licensure requirement violations, and revoke/deny licenses when needed, of private personnel placement services operating in the state.
Title 46 <i>Agriculture</i>	Requires foreign nursery businesses shipping into the state to appoint the Secretary of State as agent for service.

Code Section	Summary of Laws Applicable to Secretary of State’s Office
<p>Title 47 <i>Animals, Livestock and Poultry</i></p>	<p>Various responsibilities related to:</p> <ul style="list-style-type: none"> • Accept applications and, when appropriate, register and issue a certificate of registration for, a livestock brand; • Accept written instruments that convey a brand to another and issue a new certificate of registration; • Cancel the registration of any brand at the written request of the owner or on order of a court; and • Keep a record, open to the public, of all brands registered and the names and addresses of the owners.
<p>Title 58 <i>Public Utilities, Services, and Carriers</i></p>	<p>Various responsibilities related to:</p> <ul style="list-style-type: none"> • Serve as sole cable franchising authority in the state, accepting documents/filings from person/entities seeking to provide cable or video service in the state; notifying applicable parties of the receipt of such documents/filings; and issuing certificates, transfers, or terminations of franchise authority; • Maintain, for public examination, record of cable franchise documents/filings; • Accept applications to form corporations to build a railroad or carry on a street railway, steamboat, or canal business; determine whether to grant or refuse to grant the corporation charter after hearing from opponents of the application; and • Accept filings to amend corporation charters (e.g., consolidating multiple corporations, increasing stock available, etc.) and issue amended certificates to the corporation.

Agency Organization and Employees

Governing Body

In the Program Evaluation Report, the Committee asks the agency to provide information about the agency’s governing body. The agency provides the information below.²⁷⁹

The Secretary of State is a constitutional officer elected by the people of South Carolina. The Secretary of State’s Office does not have a separate governing body. The applicable provision from the State Constitution is as follows:

S.C. Constitution Article VI. Officers. Section 7. Elective offices; terms; duties; compensation.
 There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such

offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Internal Audit Process

In the Program Evaluation Report, the Committee asks the agency to provide information about its internal audit process, if it has one. The agency provides the information below.²⁸⁰

The Secretary of State's Office Finance Division primarily conducts the agency's internal auditing. The Finance Division consists of the Director of Administration, the Procurement Officer/Human Resources (HR) Director, and a Fiscal Analyst. There is no separate audit division in the agency. The Finance Division utilizes the following internal audit processes:

- Revenue: The Revenue System is the Secretary of State's Office checks and balances system of revenue transactions before it is interfaced into the S.C. Enterprise Information System (SCEIS).
- Cash: Cash is verified by the Director of Administration before it is taken to the bank for deposit.
- Checks: Checks are inspected by the Finance Division to verify each divisions' deposit balances daily.
- P-Card: P-Card receipts are verified by the Director of Administration to ensure all charges are valid.
- Purchases: All purchases are reviewed by the Director of Administration for validity.
- Invoices: All payable documents are processed by accounting workflow and are inspected by the Director of Administration for proper coding and documentation. This ensures that controls are in place at all times. Additionally, anything processed with a purchase order has been previously approved by the Director of Administration, again ensuring a further level of control.
- HR Payroll: All payroll is inspected according to the SCEIS payroll processing checklist.
- Human Resources: The HR Director has checklists for new hires, changes in positions, separations, and benefits. Also, the HR Director inspects employee I-9 filings for federal compliance annually.
- Inventory: Annual inventory is verified each fiscal year by the Procurement Officer and Information Technology Consultant.

Agency Organizational Units

The agency's Program Evaluation Report includes information about its organizational units.²⁸¹ Every agency has some type of organization and hierarchy. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency's ability to provide services and products.

To ensure agency employees understand how their work contributes to the agency's overall ability to provide effective services and products in an efficient manner, each organizational unit has at least one (and in most cases multiple) objectives, strategies, or goals for which it is solely responsible.

The Secretary of State's Office is comprised of seven organizational units: (1) Administration and Internal Operations; (2) Legal; (3) Notaries, Authentications, Boards and Commissions; (4) Public Charities and Municipalities; (5) Investigations and Trademarks; (6) Business Filings; and (7) Information Technology. Employees do not have a way to provide anonymous feedback in any of the units. During the three-year period from 2015-16 to 2017-18, only one unit, Business Filings, evaluated employee satisfaction. It evaluated employee satisfaction in 2016-17. Additionally, only two of the seven units conduct exit

interviews or surveys: Notaries, Authentications, Boards and Commissions; and Public Charities and Municipalities. The Secretary of State’s Office provides other details about the units, as seen in Table 25. The organization of the agency is shown in Figure 11.

Table 25, Secretary of State’s Office organizational units

Administration and Internal Operations			
Performs executive and internal support functions for the agency as a whole and includes the Secretary of State and Deputy Secretary, as well as finance, procurement, and human resources staff.			
Turnover Rate	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	0.00%	0.00%	0.00%
Legal Department			
Provides legal advice and support to all of the agency, files all charities enforcement actions in the Administrative Law Court, and responds to Freedom of Information Act requests.			
Turnover Rate	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	0.00%	0.00%	40.00%*
Notaries, Authentications, Boards and Commissions			
Issues commissions to elected and appointed public officials, including notary public; authenticates documents to be sent to foreign countries, and files ratified acts and executive orders.			
Turnover Rate**	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	25.00%	28.57%	33.33%
Public Charities and Municipalities			
Registers charitable organizations, professional fundraisers, commercial co-ventures, and nonprofit raffles operating within the state; enforces the Solicitation of Charitable Funds Act in conjunction with the Investigations and Legal Divisions; and encompasses other agency functions, including but not limited to service of process, cable franchise authority, municipal and special purpose district filings, employment agencies, and business opportunities.			
Turnover Rate	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	33.33%	16.67%	0.00%
Investigations and Trademarks			
Investigates charities-related complaints the agency receives; audits and reviews data to ensure compliance with the Solicitation of Charitable Funds Act; assists law enforcement on the federal, state, and local level with counterfeit trafficking investigations; and examines and files trademark and service mark applications.			
Turnover Rate^	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	N/A	N/A	0.00%
Business Filings			
Files documents for business entities operating in the state, including corporations, limited liability companies, limited partnerships, limited liability partnerships, and other types of business entities.			
Turnover Rate^^	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
	73.68%	40.00%	27.27%

Information Technology

Provides support to all of the agency; develops and maintains agency databases and applications; maintains the agency's website; and performs cybersecurity functions along with the Department of Administration's Division of Information Security.

	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Turnover Rate	0.00%	0.00%	0.00%

Table Note: An asterisks (*) indicates one of the three employees in this unit transferred to the new Investigations unit. A double asterisks (**) indicates the agency only had three to four employees in this unit in each of the three years in question. A carrot (^) indicates the unit was not created until 2017-18. In regards to the turnover rate with the double carrot (^), the agency explains as follows: In FY 2015-2016, there was very high turnover in this unit. One employee became deceased; one became a stay-at-home parent; two employees returned to school; and two employees left for other employment, including one who moved out of state. In FY 2016-2017, two employees left for other employment opportunities and one became a stay-at-home parent. These positions are entry level positions that will have turnover as employees either advance within the agency, move to another division in the agency, return to school or seek higher paying employment.

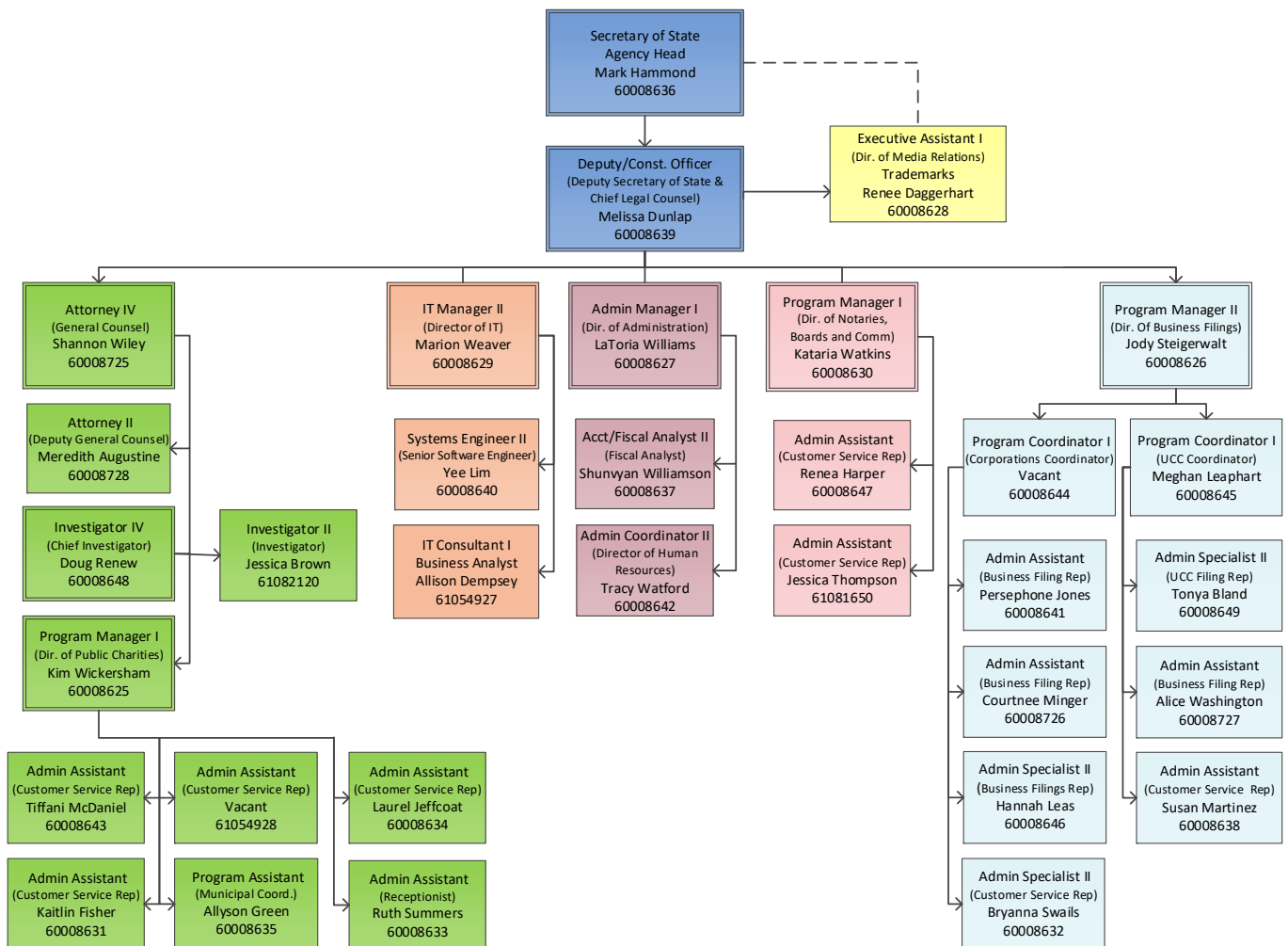


Figure 11. Secretary of State's Office organizational chart. (Current as of May 2019)²⁸²

Services, Customers, and Performance

Deliverables

The Secretary of State’s Office is mandated by the S.C. Code of Laws to serve as the state filing office for business corporations, nonprofit corporations, limited partnerships, limited liability partnerships, and limited liability companies, as well as for all Uniform Commercial Code Article 9 secured transaction filings. To fulfill this purpose, the Secretary of State’s Office provides deliverables (products or services), to a variety of customers. In its Program Evaluation Report, the agency provides details about each deliverable. In Table 26, this information is organized by organizational unit.

Table 26. Secretary of State’s Office deliverables, as reported in the agency’s PER²⁸³

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Public Charities & Municipalities						
Charitable Organization Registration Statement Filing	Require	X	✓	X	✓	✓
Children’s Trust Fund of South Carolina Registration Statement Filing	Require	✓	✓	X	✓	X
Fire Department Registration Statement Filings	Allow	X	✓	X	✓	✓
Charitable Organization Annual Registration Exemption Application Filing	Allow	X	✓	X	✓	X
Charitable Organization Annual Financial Report	Require	X	✓	X	✓	✓
Charitable Organization Annual Financial Report Extension Request Filings	Allow	X	✓	X	✓	✓
Charitable Organization Application to Participate in State Payroll Deduction	Require	X	✓	X	✓	✓
Professional Solicitor Company Registration Application	Require	X	✓	X	✓	✓
Professional Solicitor Registration Application for Individual Employed by Company	Require	X	✓	X	✓	✓
Professional Fundraising Counsel Registration Application	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Commercial Co-venturer Registration Application Filing	Require	X	✓	X	✓	✓
Professional Fundraising Contracts and Notices of Solicitation	Require	X	✓	X	✓	✓
Professional Solicitor and Commercial Co-venturer Joint Financial Report Filing	Require	X	✓	X	✓	✓
Solicitation of Charitable Funds Act Filing Rejection	Allow	X	✓	X	✓	✓
Solicitation of Charitable Funds Act Notice of Violation	Require	X	✓	X	✓	✓
Solicitation of Charitable Funds Act Notice of Administrative Fine	Allow	X	✓	X	✓	✓
Solicitation of Charitable Funds Act Notice of Suspension	Allow	X	✓	X	✓	✓
Nonprofit Raffle Annual Registration Form	Require	X	✓	X	✓	✓
Nonprofit Raffle Annual Financial Form	Require	X	✓	X	✓	✓
Nonprofit Raffle Filing Rejection	Allow	X	✓	X	✓	✓
Nonprofit Raffle Notice of Administrative Fine	Allow	X	✓	X	✓	✓
Nonprofit Raffle Notice of Suspension	Allow	X	✓	X	✓	✓
Nonprofit Raffle Education (Brochure)	Allow	X	X	X	✓	✓
Service of Process Acceptance on Behalf of Other Entities	Require	X	✓	X	✓	✓
Service of Process Rejection	Require	X	✓	X	✓	✓
Discount Medical Plan Organization Registered Agent Designation	Require	X	✓	X	X	✓
Non-Resident Prescription Drug Distributor Registered Agent Designation	Require	X	✓	X	X	✓
Change of Form of Government Filing	Require	✓	✓	X	X	✓
Notice of Annexation	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Special Purpose District Notification Form	Require	✓	✓	X	✓	✓
Special Purpose District's Failure to File Notification Form	Require	✓	✓	X	X	✓
Special Purpose District Directory	Require	X	✓	X	X	✓
Certificate of Cable Franchise Authority Application Notice to Local Governments	Require	X	✓	X	✓	✓
Notice of Denial of Application for Certificate of Cable Franchise Authority	Require	X	✓	X	✓	✓
Certificate of Cable Franchise Authority Issuance	Require	X	✓	X	✓	✓
Certificate of Cable Franchise Authority Termination by Cable Provider	Require	X	✓	X	X	✓
Certificate of Cable Franchise Authority Notice of Transfer	Require	X	✓	X	X	✓
Termination of County or Municipal Certificate of Cable Franchise Authority	Require	X	✓	X	X	✓
Notice of Change of Franchise Fee	Require	X	✓	X	✓	✓
Certificate of Cable Franchise Authority Publication	Require	X	X	X	✓	✓
Private Personnel Placement Service License Issuance	Require	X	✓	X	✓	✓
Private Personnel Placement Service License Revocation	Require	X	✓	X	X	✓
Private Personnel Placement Service License Renewal	Require	X	✓	X	✓	✓
Denial of Private Personnel Service Licenses for Renewal	Require	X	✓	X	X	✓
Sellers of Business Opportunities Registration Application	Require	X	✓	X	✓	✓
Sellers of Business Opportunities Registration Renewal	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Legal						
Appeal of Administrative Action	Allow	X	✓	X	✓	✓
Petition for Injunctive Relief	Allow	X	✓	X	✓	✓
Investigative Subpoenas	Allow	X	✓	X	✓	✓
Multistate Enforcement Actions and Initiatives	Allow	X	✓	X	✓	✓
Referral of Disclosure Violations to Attorney General	Require	X	✓	X	X	✓
Referral of Misrepresentation Violations to Attorney General	Require	X	✓	X	X	✓
Bingo Report to Department of Revenue	Allow	✓	✓	X	✓	✓
Charitable Organization Website Search Engine	Allow	X	✓	X	✓	✓
Suspended Charitable Organization Website Listing	Allow	X	✓	X	✓	✓
Charitable Organization Angel Announcement	Allow	X	X	X	✓	✓
Solicitation of Charitable Funds Information Publication (Wise Giving and Professional Solicitor Report)	Allow	X	X	X	✓	✓
Solicitation of Charitable Funds Information Publication (Wise Charitable Giving Brochure)	Allow	X	X	X	✓	✓
Solicitation of Charitable Funds Information Publication (Wise Charitable Giving Public Service Announcement)	Allow	X	✓	X	X	✓
Investigative Subpoenas	Allow	X	✓	X	✓	✓
Nonprofit Raffle Training and Education Webinar	Allow	X	X	X	✓	✓
Conversion of Corporation Not-for-Profit to a Public Service District	Require	X	✓	X	X	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Railroad Document Filings	Require	X	✓	X	X	✓
Petition for Incorporation of Railroad, Street Railway, Steamboat or Canal Company	Require	X	✓	X	X	✓
Appearance of Opponents of Railroad, Street Railway, Steamboat, or Canal Business Petition	Allow	X	✓	X	X	✓
Certificate of Charter for Railroad, Street Railway, Steamboat, or Canal Business	Require	X	✓	X	X	✓
Amendment of Charter for Railroad, Street Railway, Steamboat, or Canal Business	Require	X	✓	X	✓	✓
Formation of Company to Own and Maintain Railroad Filing and Certificate	Require	X	✓	X	X	✓
Filing of Railroad Consolidation Agreement	Require	X	✓	X	X	✓
Appeal of Rejection of Business Filing	Allow	X	✓	X	X	✓
Appeal of Rejection of UCC Filing	Allow	X	✓	X	X	✓
Certified Copies of Railroad Documents	Require	X	✓	X	X	✓
Certified Copy of Railroad Filing	Require	X	✓	X	X	✓
Qualified Business Registration Application	Require	X	✓	X	✓	✓
Qualified Business Letters of Certification and Application Copies	Allow	✓	✓	X	✓	✓
Qualified Business Annual Report	Require	✓	✓	X	✓	✓
Qualified Business Information and Report on Website	Require	X	✓	X	✓	✓
Regulation Review and Report	Require	✓	✓	X	X	✓
Congressional Certificate of Election	Require	✓	✓	X	X	✓
Elector Candidate Filing	Require	X	✓	X	X	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Elector Certification	Require	✓	✓	X	✓	✓
Elector Declaration Filing	Require	X	✓	X	X	✓
Elector Declaration Notice	Allow	✓	✓	X	✓	✓
Electoral College Meeting	Require	X	✓	X	✓	✓
Delivery of Certificates of Vote and Ascertainment	Require	✓	✓	X	✓	✓
Elector Per Diem	Require	✓	✓	X	X	✓
Political Party Decertification	Require	X	✓	X	✓	✓
Political Party Convention Officer Reports	Require	X	✓	X	✓	✓
Application for Municipal Incorporation	Require	X	✓	X	X	✓
Recommendation on Municipal Incorporation	Require	X	✓	X	✓	✓
Issuance of Commission to Hold Election on Municipal Incorporation	Require	X	✓	X	✓	✓
Issuance of Certificate of Incorporation to Municipality	Require	X	✓	X	✓	✓
Cancellation of Municipal Incorporation Certificate	Require	✓	✓	X	X	✓
Certificate of Incorporation for Redevelopment Commission	Require	X	✓	X	X	✓
Special Purpose District Required Production of Information	Require	✓	✓	X	X	✓
Notice of Review of Petition to Dissolve a Special Purpose District	Require	X	X	X	✓	✓
Special Purpose District Dissolution Order	Require	X	✓	X	✓	✓
Special Purpose District Dissolution Notice	Require	X	X	X	✓	✓
Joint Agency Filing	Require	X	✓	X	X	✓
Joint Agency Change in Membership	Require	✓	✓	X	X	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Joint Authority Water and Sewer System Filing	Require	X	✓	X	X	✓
Joint Authority Water and Sewer System Change in Membership	Require	✓	✓	X	X	✓
Notice of Escheated Lands	Require	X	✓	X	X	✓
Recording of Verdict on Escheatment	Require	✓	✓	X	X	✓
Escheated Lands Rental	Require	✓	✓	X	X	✓
Escheated Lands Advertisement and Disposal	Require	✓	✓	X	X	✓
Recovery of Moneys or Personal Property	Require	✓	✓	X	X	✓
Proceeds of Escheats	Require	✓	✓	X	X	✓
Annual Report of Escheats	Require	✓	✓	X	X	✓
Freedom of Information Act Requests	Require	X	✓	X	✓	✓
Investigations & Trademarks						
Charitable Solicitation Complaint Form	Allow	X	✓	X	✓	✓
Investigations of Charitable Organizations and Professional Fundraisers	Allow	X	✓	X	✓	✓
Solicitation of Charitable Funds Act Training and Education (Wise Charitable Giving Presentations)	Allow	X	✓	X	✓	✓
Investigations of Nonprofit Raffles	Allow	X	✓	X	✓	✓
Investigations of Distribution, Trafficking, and Production of Counterfeit Marks	Allow	X	✓	X	✓	✓
Training and Education on Distribution, Trafficking, and Production of Counterfeit Marks	Allow	X	✓	X	✓	✓
Sovereign Citizen Documentation Rejection	Allow	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Investigations of Violations of the South Carolina Private Personnel Placement Services Act	Allow	X	✓	X	✓	✓
Investigation of Failure to File Notification Form and Filing Extensions	Allow	✓	✓	X	X	✓
Trademark and Service Mark Registration Application	Require	X	✓	X	✓	✓
Trademark and Service Mark Registration Renewal	Require	X	✓	X	✓	✓
Trademark and Service Mark Registration Assignment	Require	X	✓	X	✓	✓
Trademark and Service Mark Registration Application, Renewal, or Assignment Rejection	Allow	X	✓	X	✓	✓
Appeal of a Denial to Register a Trademark or Service Mark	Allow	X	✓	X	X	✓
Active Trademark and Service Mark List on Website	Allow	X	X	X	✓	✓
Livestock Brands and Earmarks Registration Application	Require	X	✓	X	✓	✓
Livestock Brands and Earmarks Registration Application Rejection	Require	X	✓	X	✓	X
Information Technology Plan Workbook	Require	✓	✓	X	✓	✓
Accountability Report	Require	X	✓	X	✓	✓
Congressional Certificate of Election	Require	✓	✓	X	X	✓
Elector Candidate Filing	Require	X	✓	X	X	✓
Elector Certification	Require	✓	✓	X	✓	✓
Elector Declaration Filing	Require	X	✓	X	✓	✓
Elector Declaration Notice	Allow	✓	✓	X	✓	✓
Issuance of Authentications and Apostilles	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Prohibition Against Issuance of Authentications or Apostilles for Certain Documents	Require	X	✓	X	✓	✓
Elected Official Oath of Office and Bond Forms	Require	✓	✓	X	X	✓
Appointed Official Oath of Office	Allow	X	✓	X	✓	✓
Commissions	Require	X	✓	X	✓	✓
Original Bonds of Elected Officials and Special State Constables	Require	✓	✓	X	✓	✓
Commissions for Constables and State Law Enforcement Officers	Require	X	✓	X	✓	✓
Commissions for State Patrol Officers	Require	✓	✓	X	✓	✓
Municipal Housing Authority Appointment Certificates	Require	X	✓	X	✓	✓
Certificate of Election for Certain Agency Commissions and Boards	Require	✓	✓	X	✓	✓
State Board and Commission Vacancy and Expired Term Publication	Require	X	✓	X	✓	✓
Special Purpose District Change of Membership Certification	Allow	✓	✓	X	✓	✓
Writ of Election Related to Legislators	Allow	X	✓	X	✓	✓
Certified Election Results	Require	X	✓	X	X	✓
Certified Election Results Publication	Require	X	✓	X	X	✓
Business Filings						
Business Corporation Filings	Require	X	✓	X	✓	✓
Nonprofit Corporation Filings	Require	X	✓	X	✓	✓
Limited Liability Partnership Filings	Require	X	✓	X	✓	✓
Limited Partnership Filings	Require	X	✓	X	✓	✓
Limited Liability Company Filings	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Military Corporation Filings	Allow	X	✓	X	X	X
Corporation Not-for Profit Filings	Require	X	✓	X	X	✓
Business Development Corporation Filings	Require	X	✓	X	X	✓
Benefit Corporation Filings	Require	X	✓	X	✓	✓
Cooperative Association Filings	Require	X	X	X	X	✓
Marketing Cooperative Association Filings	Require	X	X	X	X	✓
Telephone Cooperative Filings	Require	X	X	X	X	✓
Electric Cooperative Filings	Require	X	X	X	X	✓
Transmission of Electric Cooperative Filings to County Officials	Require	X	✓	X	X	✓
Business Trust Filings	Require	X	X	X	X	✓
Notice of Appointment of a Registered Agent by a Nonresident Landlord	Allow	X	✓	X	X	✓
Rejection of Business Filing	Require	X	✓	X	✓	✓
Administrative Dissolution of Business Corporations	Require	X	✓	X	✓	✓
Administrative Dissolution of Nonprofit Corporations	Allow	X	✓	X	✓	✓
UCC-1 Financing Statement Filings	Require	X	✓	X	✓	✓
UCC-3 Amendment Filings	Require	X	✓	X	✓	✓
UCC-5 Information Statement Filings	Require	X	✓	X	✓	✓
UCC-11 Search and Copies	Require	X	✓	X	X	✓
UCC Filing Rejection	Allow	X	✓	X	X	✓
Certificates of Existence for Business Entities	Allow	X	✓	X	✓	✓
Copies of Business and UCC Filings	Require	X	✓	X	✓	✓
Corporate Database Query	Allow	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Uniform Commercial Code Bulk Data and Images	Allow	X	✓	X	✓	✓
Corporations/Uniform Commercial Code Bulk Combo	Allow	X	✓	X	✓	✓
Administration & Internal Operations						
Accountability Report	Require	X	✓	X	✓	✓
Master Report	Require	✓	✓	X	✓	✓
Capital Assets Year-End Report	Allow	✓	✓	X	✓	✓
Cash and Investments Report	Allow	✓	✓	X	✓	X
Operating Leases Report	Allow	✓	✓	X	✓	✓
Litigation Report	Allow	✓	✓	X	✓	✓
Fund Balance and Net Assets Report	Allow	✓	✓	X	✓	✓
Travel Report	Require	X	X	X	✓	✓
Subsequent Events Report	Allow	✓	✓	X	✓	✓
Minority Business Enterprise (MBE) Utilization Plan	Require	✓	✓	X	✓	✓
Report of Number and Dollar Value of Contracts Awarded to Minority Vendors	Require	✓	✓	X	✓	✓
Report of Agency Progress on Affirmative Action Plan	Require	✓	✓	X	✓	✓
Payroll Report	Require	✓	✓	X	✓	✓
Contribution and Wage Report	Require	✓	✓	X	✓	✓
Procurement Records and Reports	Require	✓	✓	X	✓	✓
Bank Account Transparency and Accountability Report	Require	✓	✓	X	✓	✓
Other Funds Survey Report	Require	✓	✓	X	✓	✓
Debt Collection Report	Require	✓	✓	X	✓	✓
Fines and Fees Report	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Fees for Collection of Dishonored Checks	Allow	X	✓	X	✓	✓
Agency Operations	Allow	X	✓	X	✓	✓
Notaries, Authentications, Boards & Commissions						
Notary Public Commission Application Requirements and Rejection	Require	X	✓	X	✓	✓
Notary Public Commission Issuance	Require	X	✓	X	✓	✓
Notary Public Commission Renewal	Require	X	✓	X	✓	✓
Notary Public Status Change	Require	X	✓	X	✓	✓
Notary Public Commission Resignation	Require	X	✓	X	✓	✓
Notary Public Verification	Allow	X	✓	X	✓	✓
Notary Public Seminars	Allow	X	✓	✓	✓	✓
Notary Public Webinar	Allow	X	X	X	✓	✓
Issuance of Authentications and Apostilles	Require	X	✓	X	✓	✓
Prohibition Against Issuance of Authentications or Apostilles for Certain Documents	Require	X	✓	X	✓	✓
Elected Official Oath of Office and Bond Forms	Require	✓	✓	X	X	✓
Appointed Official Oath of Office	Allow	X	✓	X	✓	✓
Commissions	Require	X	✓	X	✓	✓
Original Bonds of Elected Officials and Special State Constables	Require	✓	✓	X	✓	✓
Commissions for Constables and State Law Enforcement Officers	Require	X	✓	X	✓	✓
Commissions for State Patrol Officers	Require	✓	✓	X	✓	✓
Municipal Housing Authority Appointment Certificates	Require	X	✓	X	✓	✓

Agency Service	LAW Does it...	CUSTOMERS Does the agency...			COSTS Does the...	
	require, allow, or not address the service?	know potential annual number?	know annual number served?	evaluate satisfaction?	agency know cost it incurs, per unit?	law allow agency to charge for it?
Certificate of Election for Certain Agency Commissions and Boards	Require	✓	✓	X	✓	✓
State Board and Commission Vacancy and Expired Term Publication	Require	X	✓	X	✓	✓
Special Purpose District Change of Membership Certification	Allow	✓	✓	X	✓	✓
Writ of Election Related to Legislators	Allow	X	✓	X	✓	✓
Certified Election Results	Require	X	✓	X	X	✓
Certified Election Results Publication	Require	X	✓	X	X	✓
Executive Order	Allow	✓	✓	X	✓	✓
Laws (Legislative Acts)	Require	✓	✓	X	✓	✓
Certification of Bonds	Require	X	✓	X	✓	✓
Notary, Board, and Commission Document Requests	Allow	X	✓	X	✓	✓
Information Technology						
Secretary of State's Website	Require	X	✓	X	✓	✓

Performance Measures

Secretary of State's Office provides details about 24 measures it uses to evaluate its performance on pages 268-275 of its [Program Evaluation Report](#). This includes target and actual values for each measure for the last five years, when available.²⁸⁴

Federal and Local Counterparts

During the study of an agency, the **Committee asks the agency if there are federal or local entities serving similar customers or providing similar products or services**. The Committee asks how the agencies work together to effectively and efficiently achieve the agency's goals. The Secretary of State's Office explains there are no local government counterparts or local entities that provide similar deliverables. However, it lists the following key federal counterparts.²⁸⁵

Internal Revenue Service

The role of the Secretary of State's Office in relation to the Internal Revenue Service (IRS) is as follows:

- Charitable organizations that register with the Secretary of State's Division of Public Charities must file annual financial reports with the Secretary of State's Office. The annual financial report may be filed using IRS Form 990, IRS Form 990-EZ, IRS Form 990-PF, or the annual financial report form that is provided by the Secretary of State's Office.
- IRS Form 990, IRS Form 990-EZ, and IRS Form 990-PF are annual returns filed by organizations that have been determined to be tax-exempt by the IRS.
- A charitable organization that registers to solicit contributions in South Carolina may or may not be tax-exempt. If the charitable organization is tax-exempt, then it may elect to file a copy of its IRS annual return with the Secretary of State's Office in lieu of the Secretary of State's annual financial report form.
- Although the Secretary of State's Office enforces the Solicitation of Charitable Funds Act, the Secretary of State cannot determine or revoke tax-exempt status as that is under the purview of the IRS. However, charity enforcement actions are conducted primarily by state agencies like the Secretary of State's Office.

United States Patent and Trademark Office

The role of the Secretary of State in relation to the U.S. Patent and Trademark Office (USPTO) is as follows:

- The Secretary of State's Office examines and registers trademarks and service marks on the state level, and also provides a searchable online listing of trademarks and service marks that is updated daily.
- These services relate to the USPTO in that the USPTO files federally protected trademark and service mark applications. The USPTO also provides an online searchable registry of trademarks and service marks.
- Under S.C. Code Section 39-15-1115, an applicant for a trademark or service mark must verify that no other person has registered the mark or either the federal or state level.

APPENDIX B. AGENCY REPORTS TO COMMITTEE

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. The Committee posts each report on the agency page of the Committee's website.

Seven-Year Plan for Cost Savings and Increased Efficiencies

S.C. Code Section 1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."²⁸⁶ The Secretary of State's Office submits its plan on March 31, 2015.²⁸⁷

Restructuring Report

The Annual Restructuring Report fulfills the requirement in S.C. Code Section 1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services." The report, at a minimum, includes information in the following areas: history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations.

The Secretary of State's Office submits its first Annual Restructuring Report on March 31, 2015.²⁸⁸ The agency's 2018-19 Annual Accountability Report to the Governor and General Assembly, which it submits September 11, 2019, serves as its most recent Annual Restructuring Report.²⁸⁹

Program Evaluation Report

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code Section 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the Secretary of State's Office Program Evaluation Report (PER) on February 15, 2019. The agency requests, and is granted, a fifteen business day extension.²⁹⁰ The agency submits its report on May 3, 2019.

The PER includes information in the following areas: agency snapshot; agency records, policies, and risk mitigation practices; agency spending; agency legal directives and services; performance; and agency ideas/recommendations for law changes. The **Program Evaluation Report serves as the base document for the Subcommittee's study of the agency.**

APPENDIX C. PUBLIC INPUT

Public input is a cornerstone of the House Legislative Oversight Committee’s process.²⁹¹ Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee’s website, and appear in person before the Committee.²⁹² During the study, media articles related to the agency are compiled for member review.

Public Survey

From February 27-April 1, 2019, the Committee posts an **online survey to solicit comments from the public about the Secretary of State’s Office** and five other agencies. The Committee sends information about this survey to all House members to forward to their constituents. Additionally, in an effort to communicate this public input opportunity widely, the Committee issues a statewide media release.²⁹³ The media release is shared with the South Carolina State Library, which disseminates it to local libraries across the state.

There are 450 responses to the survey from 33 of South Carolina’s 46 counties; there are 47 relating to the agency.²⁹⁴ These comments are not considered testimony.²⁹⁵ As the survey press release notes, “input and observations from people who interact with these agencies are important because they may help direct the Committee to potential areas for improvement with these agencies.”²⁹⁶ Survey results are posted on the Committee’s website. The **public is informed it may continue to submit written comments about agencies online** after the public survey closes.²⁹⁷

Of those survey participants that respond to questions related to the Secretary of State’s Office, **78% have a positive or very positive opinion of the agency.**²⁹⁸ Over 74% of the February-April 2019 public survey respondents base their opinions of the agency on personal experience, business experience, and employment experience. **Most of the respondents that provide comments refer to the agency’s online systems and customer service.**²⁹⁹

Public Input via Committee Website

Throughout the course of the study, people are able to submit comments anonymously on the Committee website. The Committee posts comments verbatim to the website, but they are not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.³⁰⁰ Outside of the public survey, no individuals submit comments on the Committee website.

Public Input via In-Person Testimony

During the study, the Committee offers the opportunity for the public to appear and provide sworn testimony.³⁰¹ A press release announcing this opportunity is sent to media outlets statewide on July 26, 2019.³⁰² The media release is also shared with the South Carolina State Library, which disseminates it to local libraries across the state. The Committee holds a meeting dedicated to public input about Secretary of State’s Office and other agencies on August 13, 2019.³⁰³ Further detail on the public input meeting is in the *Meetings Regarding the Agency* section of this report.

APPENDIX D. STATUTORILY REQUIRED SERVICES WITH NO CUSTOMERS IN AT LEAST FOUR YEARS

Thirty-five services the Secretary of State's Office is required to provide had no customers in the last four or more years. Table 27 notes some the Secretary of State's Office believes are still necessary.

Table 27. Services the Secretary of State's Office is statutorily required to provide for which there were zero customers since 2016 or before³⁰⁴

Deliverable Description	Last Year Deliverable Provided	Still Needed?	Statutory Citation (S.C. Code Sections and provisos)	Deliverable Number from Agency's PER
Discount Medical Plan Organization Registered Agent Designation	2006	No ³⁰⁵	Section 37-17-30(B)(1)	166
Non-Resident Prescription Drug Distributor Registered Agent Designation	2007	Yes ³⁰⁶	Section 40-43-83(B)	167
Certificate of Cable Franchise Authority Termination by Cable Provider	2008	Yes	Section 58-12-310	190
Recording of Verdict on Escheatment	2008	Yes*	Section 27-19-20	202
Proceeds of Escheats	2010	Yes*	Section 27-19-340	206
Escheated Lands Advertisement and Disposal	2012	Yes*	Section 27-19-70; Section 27-19-80; Section 27-19-90; Section 27-19-100; Section 27-19-310	204
Railroad Document Filings	2013	Yes*	Section 30-11-10; Section 30-11-20; Section 30-11-40	75
Referral of Disclosure Violations to Attorney General (Solicitation of Charitable Funds Act)	2014	No	Proviso 96.2; Section 33-56-90	24
Referral of Misrepresentation Violations to Attorney General (Solicitation of Charitable Funds Act)	2014	No	Proviso 96.3; Section 33-56-120	25
Conversion of Corporation Not-for-Profit to a Public Service District	2014	Yes	Section 33-36-1320	65
Joint Agency Change in Membership	2015	Yes	Section 6-24-70	184

Deliverable Description	Last Year Deliverable Provided	Still Needed?	Statutory Citation (S.C. Code Sections and provisos)	Deliverable Number from Agency's PER
Termination of County or Municipal Certificate of Cable Franchise Authority	2016	Yes	Section 58-12-325	192
Petition for Injunctive Relief (Nonprofit Raffles)	Unknown	Yes	Section 33-57-160(B); Section 33-7-160(C)	40
Certified Election Results Publication	Unknown	No	Section 7-17-320	149
Political Party Decertification	Unknown	No	Section 7-9-10	158
Denial of Private Personnel Service Licenses for Renewal Applications	Unknown	Unknown	Section 41-25-20; Section 41-25-30; Section 41-25-110	198
Investigation of Failure to File Notification Form and Filing Extensions	Unknown	Yes	Section 6-11-1640(A)	49
Appeal of Denial to Register Trademark or Service Mark	Unknown	Yes	Section 39-15-1120	54
Corporation Not-for-Profit Filings	Unknown	Yes	Section 33-36-220; Section 33-36-230	64
Appeal of Rejection of Business Filing	Unknown	Yes	Section 33-1-260; Section 33-31-126	83
Appeal of Rejection of Uniform Commercial Code Filing	Unknown	Yes	Section 36-9-520	91
Certified Copies of Railroad Documents	Unknown	Yes	Section 30-11-50	94
Certified Copy of Railroad Filing	Unknown	Yes	Section 58-17-430; Section 58-17-620	95
Elector Per Diem	Unknown	Yes	Section 7-19-110	157
Cancellation of Municipal Incorporation Certificate	Unknown	Yes	Section 5-1-100	172
Special Purpose District Required Production of Information	Unknown	Yes	Section 6-11-1640(B)	179
Petition for Incorporation of Railroad, Street Railway, Steamboat or Canal Company	Unknown	Yes*	Section 58-15-10; Section 58-15-40; Section 58-15-100	76
Appearance of Opponents of Railroad, Street Railway, Steamboat, or Canal Business Petition	Unknown	Yes*	Section 58-15-30	77

Deliverable Description	Last Year Deliverable Provided	Still Needed?	Statutory Citation (S.C. Code Sections and provisos)	Deliverable Number from Agency's PER
Certificate of Charter for Railroad, Street Railway, Steamboat, or Canal Business	Unknown	Yes*	Section 58-15-70; Section 58-15-90; Section 58-15-100	78
Formation of Company to Own and Maintain Railroad Filing and Certificate	Unknown	Yes*	Section 58-17-340; Section 58-17-430	80
Filing of Railroad Consolidation Agreement	Unknown	Yes*	Section 58-17-620; Section 58-17-630; Section 58-17-660	81
Escheated Lands Rental	Unknown	Yes*	Section 27-19-60	203
Recovery of Moneys or Personal Property	Unknown	Yes*	Section 27-19-210	205
Annual Report of Escheats	Unknown	Yes*	Section 27-19-360	207

Table Note: An asterisks () indicates the Secretary of State's Office believes the code section(s) applicable to the service need to be updated.*

APPENDIX E. APPLICATION PROGRAMMING INTERFACE (API)

Application Programming Interfaces (API) provide a methodology for an agency partner to request access to information from a Secretary of State's Office database by allowing the data to be shared without a user interface. Interaction is provided between software components to allow the information to be sent between agencies much more quickly.³⁰⁷

Example of API providing efficiency in state government

The Secretary of State's Office (SoS) provides the following as an example of how it has utilized API's to improve efficiency in state government operations.³⁰⁸

The South Carolina Emergency Management Division (EMD) and SoS worked with South Carolina Interactive (SCI) to develop an API to remove the manual process of EMD searching for business entity information on the SoS website. Prior to the implementation of the API, the Governor signed House Bill 5299 which became effective in June 2016. The act directed the Director of the South Carolina Emergency Management Division to develop a system by which a person who transports goods or services, or assists in ensuring their availability, and a person who assists in the restoration of utility or other services can be certified as such for the purpose of reentry into an area subject to a state or local curfew.

Prior to certification, the employer must be in good standing with the SoS as a bona fide company doing business in South Carolina, which may be verified on the SoS website. A certification of the employer constitutes a certification of the employer's employees. Certification allows a person to reenter or remain in a curfew area for the limited purpose of transporting goods or services or assisting in the restoration of utility or other services, though it does not prohibit law enforcement or local officials from denying access to an area in order to preserve, protect, or sustain the life, health, safety, or economic well-being of a person or property or from granting access as otherwise deemed necessary.

Prior to this implementation of the API, EMD had one staff member handling the certification process and had registered 92 businesses in the four months following the effective date of House Bill 5299. But when Hurricane Matthew went through South Carolina in 2016, between pre-landfall, impact, and post-landfall of the hurricane, over 1,000 businesses registered with EMD for reentry. To accommodate the increase in volume, eight additional staff members worked on certifications around the clock for nine consecutive days.

The goal of the API was to remove the manual process of EMD staff performing the search with SoS, creating the certificate, and sending the certificate by mail. The API allows immediate verification of businesses and online certificate availability, reduces staff time spent on certification, and restores services to citizens more quickly.

The EMD Business Reentry application automatically verifies the business is in good standing prior to allowing the end user to continue, removing the need for EMD staff to search the SoS database. It is available to users at any time and will automatically generate the certification for the user to download and print immediately, making the approval process instantaneous.

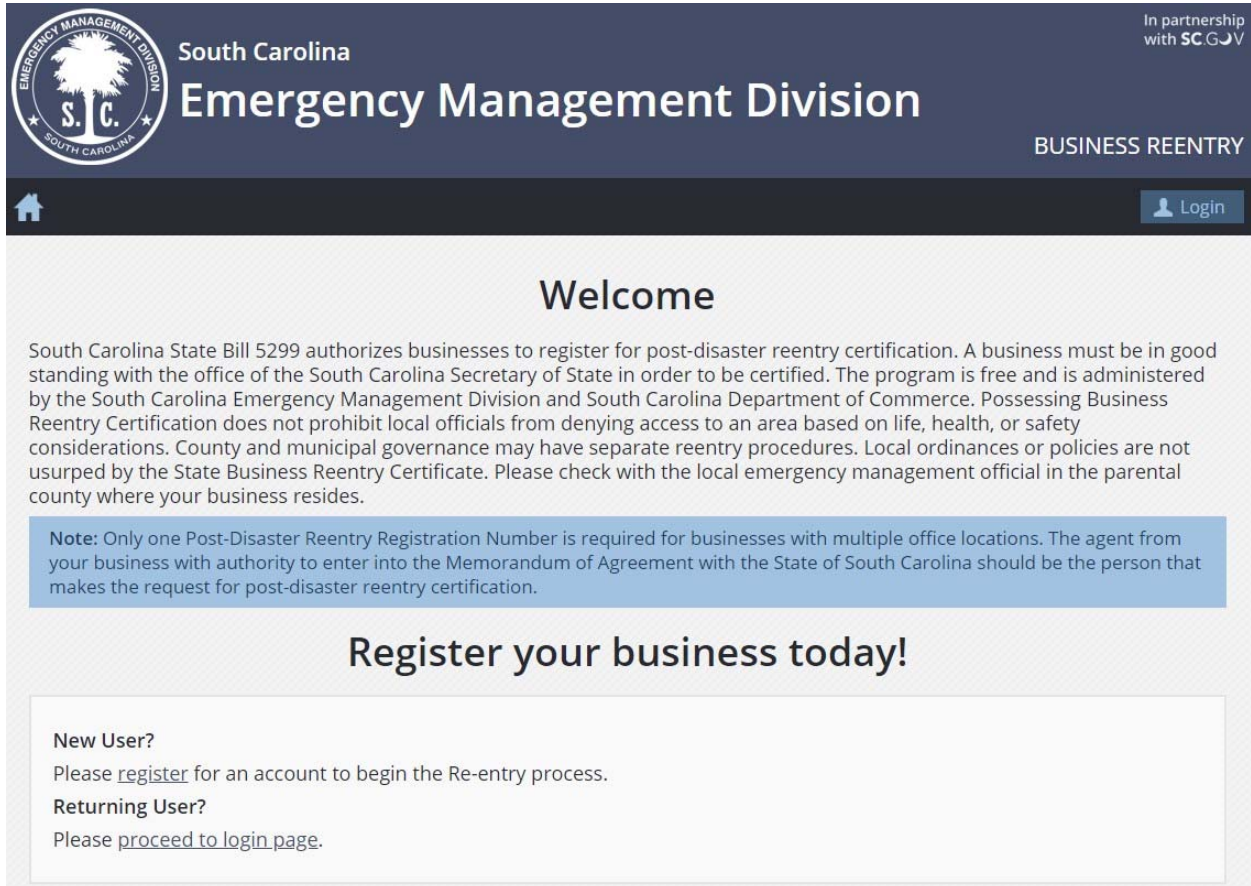


Figure 12. Emergency Management Division business registration webpage³⁰⁹

Under the API, credentials and request criteria are sent to the API by the Business Reentry application. The data is then returned from the SoS Business Filings database through the API and back to the application immediately, as if the data was local to EMD, without the need for EMD staff to perform manual searches. The application was developed utilizing the SCI Application Design Standards where necessary.

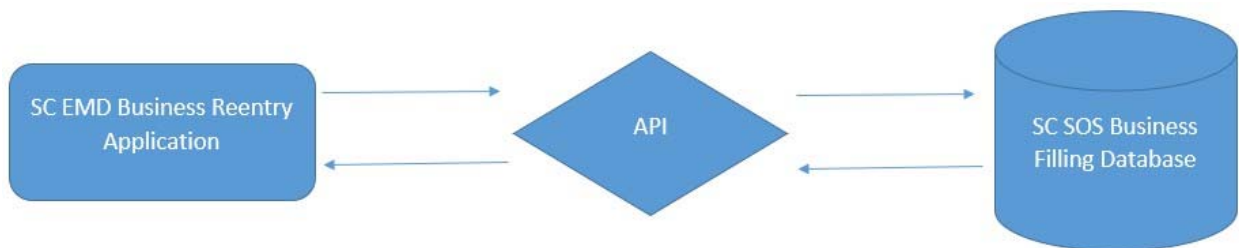


Figure 13. Flow of information, via API, between the Emergency Management Division and Secretary of State's Office³¹⁰

APPENDIX F. AGENCY'S INTERPRETATION OF STATUTORY REQUIREMENT TO MONITOR BOARDS

Below is an analysis of the statutory requirement that the Secretary of State's Office monitor boards and commissions, with the agency's interpretation of the requirements.

Keeping track of information statute requires be provided to the office

State law requires the Secretary of State's Office keep in a public record (1) "an up-to-date compilation of the membership of the boards and commissions," and (2) "information about the memberships received from state boards and commissions."³¹¹

State law explains an "up-to-date compilation," must include the following:

- (1) length of term for each office;
- (2) month and year in which terms have expired or will expire;
- (3) terms which have expired;
- (4) vacancies;
- (5) body or authority which elects or appoints, as appropriate;
- (6) any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and
- (7) any additional information received from state boards or commissions as required by Section 1-1-1310.

(1) Length of term for each office; and (2) month and year in which terms have expired or will expire

The Secretary of State's Office does not specifically provide the length of term for each in its online database, but includes the day, month, and year of appointment and as well as expiration. Also, it includes a hyperlink to at least one statutory authority applicable to the state board and commission.³¹²

As for whether the expiration dates posted are accurate based on statutes applicable to a particular board, the agency asserts it is not responsible. The Secretary of State's Office states as follows:

Section 1-5-40 clearly defines that the dates of the terms of office for appointments are the dates certified to the Secretary of State by the Senate, the Governor, and the Clerks of the House and Senate. Our office is not the appropriate party to determine expiration dates. Our role is to monitor positions, not to define their terms. The appointing authority, in conjunction with the board or commission, is in the best position to determine the term dates when making an appointment. This is key given the variation in term start dates as well as appointments to fill unexpired terms.³¹³

Additionally, S.C. Code Section 1-1-1310 requires each state board and commission to send written notification to the Secretary of State's Office with the date a member's term begins and ends, within two weeks of the appointment, election, resignation, or vacancy.

(3) Terms that have expired; and (4) vacancies

The agency's online, searchable boards and commissions database includes information on terms that have expired and vacancies, based on expiration dates provided by the appointing authority or the board

or commission. However, this may create issues, as discussed in Finding 8. Appendix K includes additional changes for future consideration by the Secretary of State's Office that may improve the ease in which the public and General Assembly can access this information.

Additionally, S.C. Code Section 1-1-1310 requires each state board and commission to send written notification to the Secretary of State's Office within two weeks of the appointment, election, resignation, or vacancy in its membership. According to the Secretary of State's Office, the wording in S.C. Code Section 1-1-1310, places the "burden of reporting on the boards themselves ... so that the Secretary of State can provide that information to the public. If the Secretary does not receive notification, there are no statutory provisions to enforce compliance."³¹⁴

(5) Body or authority that elects or appoints, as appropriate

The agency's online, searchable boards and commissions database includes information, in select locations, on the body or authority that elects or appoints board members.³¹⁵ However, Appendix K includes additional changes for future consideration by the Secretary of State's Office that may improve the ease in which the public and General Assembly can access this information.

(6) Any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy

While a board is required to provide the Secretary of State's Office the qualifications for membership on the board and any specific requirements for the member's position, the Office does not specifically list this information in its online, searchable boards and commissions database. However, the agency asserts it meets the requirement of keeping information about qualifications in a public record by providing a hyperlink to the statutory authority for each state board and commission.³¹⁶ Appendix K includes additional changes for future consideration by the Secretary of State's Office related to the listing of laws applicable to a state board and commission.

(7) Any additional information received from state boards or commissions as required by S.C. Code Section 1-1-1310

Information S.C. Code Section 1-1-1310 requires each state board and commission send written notification to the Secretary of State's Office within two weeks of the appointment, election, resignation, or vacancy in its membership includes the following:

- (1) the governing statute or executive order authorizing the appointment or election;
- (2) the board or commission's address, phone number, fax number, and e-mail address, if any;
- (3) the member's name;
- (4) the member's district, circuit, seat, or position, if applicable;
- (5) when the member's term begins and ends;
- (6) the qualifications for membership on the board or commission and any specific requirements for the member's position;
- (7) whether the member is eligible to receive compensation for his service;
- (8) the name of the former member; and
- (9) in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent.

Of this information, the Secretary of State's Office does not publish the following on its website:

- board or commission's address, phone number, fax number, and e-mail address, if any;

- qualifications for membership on the board or commission and any specific requirements for the member's position;
- whether the member is eligible to receive compensation for his service;
- name of the former member; and
- in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent.

However, the agency asserts it, “makes every effort to ensure that the information and structure for each board matches the statute that governs each board and updates membership information when we receive it.”³¹⁷

Publicizing vacancies and expired terms

State law requires the Secretary of State’s Office “publicize vacancies, expired terms, and those terms expiring within one year on a semiannual basis statewide.”³¹⁸ The agency asserts it exceeds this monitoring requirement with its online, searchable boards and commissions database that updates daily.³¹⁹

APPENDIX G. BOARD AND COMMISSION APPOINTMENT/ELECTION PROCESS

The following information provides a background on different aspects of appointing/electing individuals to serve on a state board, commission, council, or committee (collectively “boards”). As a short summary, the selection process involves current positions expire and new selections being needed multiple times each year and the following:

- Three different branches of government responsible for making selections;
- At least 16 different ways in which selections must be made; and
- Over 150 different boards, each containing three to fifteen or more individual positions.

Boards available

There are over 150 different boards the Secretary of State’s Office monitors and about which it publishes information as seen in Table 28. As noted in recommendation ten, a list of all state boards is not a present search option on the agency’s website.

Table 28. Boards the Secretary of State’s Office monitors and about which it publishes information

Board Name	
1	Accountability Strategy for the South Carolina Prevention Programs Review Panel
2	Adult Protection Coordinating Council
3	Advisory Board of the South Carolina Public Service Authority
4	Advisory Committee for the Improvement of Workers Compensation Laws
5	Advisory Committee to DHEC (Safe Drinking Water Act)
6	Advisory Committee to the State Board of Cosmetology
7	Advisory Panel for Massage/Bodywork
8	Agency Head Salary Commission
9	Agriculture Commission
10	Alzheimer's Disease and Related Disorders Resource Coordination Center advisory council
11	Aquatic Plant Management Council
12	Atlantic Interstate Low-Level Radioactive Waste Compact
13	Birth Defects Advisory Council

14	<u>Board of Boating Compact Administrators</u>
15	<u>Board of Commissioners for the Promotion of Uniformity of Legislation in the United States</u>
16	<u>Board of Commissioners of the South Carolina School for the Deaf and the Blind</u>
17	<u>Board of Directors of Protection & Advocacy for People with Disabilities, Inc.</u>
18	<u>Board of Economic Advisors</u>
19	<u>Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-educational Specialists</u>
20	<u>Board of Landscape Architectural Examiners</u>
21	<u>Board of Podiatry Examiners</u>
22	<u>Board of Probation, Parole and Pardon Services</u>
23	<u>Board of Registration for Foresters</u>
24	<u>Board of the Revenue and Fiscal Affairs Office</u>
25	<u>Board of Trustees for Clemson University</u>
26	<u>Board of Trustees for the Veterans' Trust Fund of South Carolina</u>
27	<u>Board of Trustees of the State of South Carolina Governor's School for Science and Mathematics</u>
28	<u>Board of Trustees, Children's Trust Fund of South Carolina</u>
29	<u>Catawba/Wateree River Basin Advisory Commission</u>
30	<u>Charleston Naval Complex Redevelopment Authority</u>
31	<u>Child Fatality Advisory Committee</u>
32	<u>Classification and Compensation System Study Committee</u>
33	<u>Coastal Carolina University Board of Trustees</u>
34	<u>Coastal Zone Management Advisory Council</u>
35	<u>Collection of Business License Taxes Study Committee</u>
36	<u>College of Charleston Board of Trustees</u>
37	<u>Commission of Hearing Aid Specialists</u>

38	<u>Commission on Consumer Affairs</u>
39	<u>Commission on Interstate Cooperation</u>
40	<u>Commissioners of Pilotage for the Lower Coastal Area</u>
41	<u>Commissioners of Pilotage for the Upper Coastal Area</u>
42	<u>Committee on Character and Fitness</u>
43	<u>Committee to Study Services, Programs and Facilities for the Aging</u>
44	<u>Coordinating Council for Economic Development</u>
45	<u>Council of Advisors on Consumer Credit</u>
46	<u>Data Oversight Council</u>
47	<u>Department of Employment and Workforce Appellate Panel</u>
48	<u>Department of Employment and Workforce Review Committee</u>
49	<u>Department of Natural Resources Board</u>
50	<u>Department of Natural Resources Law Enforcement Advisory Board</u>
51	<u>Department of Transportation Commission</u>
52	<u>Diabetes Initiative for South Carolina Board</u>
53	<u>Digital Learning Plan Committee</u>
54	<u>Domestic Violence Advisory Committee</u>
55	<u>Donate Life South Carolina</u>
56	<u>Dry Cleaning Advisory Council</u>
57	<u>Education Lottery Oversight Committee</u>
58	<u>Educational Credit for Exceptional Needs Children Fund</u>
59	<u>Energy Advisory Council</u>
60	<u>Energy Independence and Sustainable Construction Advisory Committee</u>
61	<u>External Evaluation Panel of First Steps</u>

62	<u>Francis Marion Trail Commission</u>
63	<u>Francis Marion University Board of Trustees</u>
64	<u>Governor's Council on Physical Fitness</u>
65	<u>Governor's Cup Billfishing Series Advisory Board of Directors</u>
66	<u>Governor's Savannah River Committee</u>
67	<u>Governor's Juvenile Justice Advisory Council</u>
68	<u>Governor's Mansion and Lace House Commission</u>
69	<u>Governor's Mathematics and Science Advisory Board</u>
70	<u>Governor's Nuclear Advisory Council</u>
71	<u>Hazardous Waste Management Select Oversight Committee</u>
72	<u>Health Insurance Pool Board of Directors</u>
73	<u>Higher Education Tuition Grant Commission</u>
74	<u>Information Resources Council for South Carolina</u>
75	<u>Interstate Compact for Juveniles</u>
76	<u>Interstate Mining Compact Commission</u>
77	<u>Jean Laney Harris Folk Heritage Award Advisory Committee</u>
78	<u>John de la Howe School Board of Trustees</u>
79	<u>John de la Howe Transition Advisory Group</u>
80	<u>Joint Citizens and Legislative Committee on Children</u>
81	<u>Joint Legislative Committee on Municipal Incorporation</u>
82	<u>Joint Podiatric Surgery Advisory Committee</u>
83	<u>Joint Transportation Review Committee</u>
84	<u>Judicial Council of the State of South Carolina</u>
85	<u>Judicial Merit Selection Commission</u>

86	Juvenile Parole Board
87	Lake Hartwell Country, Crown of the Carolinas (formerly Pendleton District Historical, Recreational, and Tourism Commission)
88	Land, Water and Conservation Division Advisory Committee
89	Lander University Board of Trustees
90	Leadership for South Carolina
91	Legislative Audit Council
92	Legislative Council
93	Liquefied Petroleum Gas Board
94	Local Government Study Committee
95	Lottery Retailer Advisory Board
96	Lowcountry and Resort Islands Tourism Commission
97	Marine Advisory Committee
98	Maritime Security Commission
99	Medical Advisory Panel
100	Medical Disciplinary Commission of the State Board of Medical Examiners
101	Medical University of South Carolina Board of Trustees
102	Military Assistance Council
103	Military Base Task Force
104	Military-Connected Children's Welfare Task Force
105	Old Abbeville District Historical Commission
106	Old Exchange Building Commission
107	Old Jacksonborough Historic District
108	Palmetto Unified School District Board of Trustees
109	PalmettoPride Board of Directors

110	Patriots Point Development Authority
111	Pee Dee Regional Airport Authority
112	Pesticide Advisory Committee
113	Prisoners of War Commission
114	Public Health Emergency Plan Committee
115	Racial Relations Commission
116	Review and Oversight Commission on the South Carolina Ports Authority
117	Rural Physician Incentive Board
118	Safe Drinking Water Advisory Committee
119	Saltwater Recreational Fisheries Advisory Committee
120	Santee-Cooper Counties Promotion Commission
121	Savannah River Maritime Commission
122	SC Humanities
123	SC Safe Home Advisory Committee
124	Scenic Highways Committee
125	School Bus Specification Committee
126	School Safety Task Force
127	Seizure Safety Study Committee
128	Small Business Regulatory Review Committee
129	Soil Classifiers Advisory Council
130	South Carolina 911 Advisory Committee
131	South Carolina Advisory Council on Aging
132	South Carolina Aeronautics Commission
133	South Carolina African American Heritage Commission

134	South Carolina American Revolution Sestercentennial Commission
135	South Carolina Arts Commission
136	South Carolina Auctioneers' Commission
137	South Carolina Board of Accountancy
138	South Carolina Board of Chiropractic Examiners
139	South Carolina Board of Dentistry
140	South Carolina Board of Education
141	South Carolina Board of Examiners in Opticianry
142	South Carolina Board of Examiners in Optometry
143	South Carolina Board of Health and Environmental Control
144	South Carolina Board of Long Term Health Care Administrators
145	South Carolina Board of Occupational Therapy
146	South Carolina Board of Registration for Professional Engineers and Land Surveyors
147	South Carolina Boundary Commission
148	South Carolina Brain Injury Leadership Council
149	South Carolina Building Codes Council
150	South Carolina Centers of Economic Excellence Review Board
151	South Carolina Coastal Zone Management Appellate Panel
152	South Carolina Commission for the Blind
153	South Carolina Commission of Archives and History
154	South Carolina Commission on Disabilities and Special Needs
155	South Carolina Commission on Higher Education
156	South Carolina Commission on International Cooperation and Agreements
157	South Carolina Commission on National and Community Service

158	South Carolina Commission on Prosecution Coordination
159	South Carolina Commission on the Advancement of Public Safety
160	South Carolina Community Development Block Grant Steering Committee
161	South Carolina Confederate Relic Room and Military Museum Commission
162	South Carolina Conservation Bank
163	South Carolina Council on the Holocaust
164	South Carolina Council on the Interstate Compact on Educational Opportunity for Military Children
165	South Carolina Crime Victims Advisory Board
166	South Carolina Department of Health and Human Services Pharmacy and Therapeutics Committee
167	South Carolina Developmental Disabilities Council
168	South Carolina Education and Economic Development Coordinating Council
169	South Carolina Education Council (members of the Educational Commission of the states representing this State)
170	South Carolina Education Oversight Committee
171	South Carolina Educational Television Commission
172	South Carolina Emergency Response Commission
173	South Carolina Environmental Certification Board
174	South Carolina Firefighter Mobilization Oversight Committee
175	South Carolina First Steps to School Readiness Board of Trustees
176	South Carolina Floodwater Commission
177	South Carolina Foster Care Review Board
178	South Carolina Governor's School for the Arts and Humanities
179	South Carolina Health Planning Committee
180	South Carolina Heritage Trust Advisory Board

181	South Carolina Housing Commission
182	South Carolina Interagency Coordinating Council
183	South Carolina Jobs-Economic Development Authority
184	South Carolina Law Enforcement Training Council
185	South Carolina Lottery Commission
186	South Carolina Manufactured Housing Board
187	South Carolina Medical Malpractice Association
188	South Carolina Mental Health Commission
189	South Carolina Migratory Waterfowl Committee
190	South Carolina Mining Council
191	South Carolina Museum Commission
192	South Carolina Panel for Dietetics
193	South Carolina Patients Compensation Fund Board of Governors
194	South Carolina Perpetual Care Cemetery Board
195	South Carolina Procurement Review Panel
196	South Carolina Public Charter School District Board of Trustees
197	South Carolina Public Employee Benefit Authority
198	South Carolina Public Safety Coordinating Council
199	South Carolina Public Service Authority Board of Directors
200	South Carolina Public Service Commission
201	South Carolina Real Estate Appraisers Board
202	South Carolina Real Estate Commission
203	South Carolina Recycling Market Development Advisory Council
204	South Carolina Research Authority

205	South Carolina Residential Builders Commission
206	South Carolina Retirement Investment Commission
207	South Carolina Rural Infrastructure Authority Board of Directors
208	South Carolina Rural Water and Sewer Act Advisory Committee
209	South Carolina State Board of Funeral Service
210	South Carolina State Flag Study Committee
211	South Carolina State Housing, Finance and Development Authority
212	South Carolina State Ports Authority
213	South Carolina State University Board of Trustees
214	South Carolina Transportation Infrastructure Bank
215	South Carolina Venture Capital Authority
216	South Carolina Workers' Compensation Commission
217	South Carolina Youth Smoking Prevention Advisory Commission
218	Southern Regional Education Board
219	Southern States Energy Compact Board
220	Spinal Cord Injury Research Board
221	State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees
222	State Advisory Committee on the Regulation of Child Care Facilities
223	State Advisory Council on Erosion and Sediment Reduction
224	State Athletic Commission
225	State Board for Technical and Comprehensive Education
226	State Board of Architectural Examiners
227	State Board of Barber Examiners
228	State Board of Cosmetology

229	State Board of Examiners in Psychology
230	State Board of Examiners in Speech-Language Pathology and Audiology
231	State Board of Financial Institutions
232	State Board of Law Examiners
233	State Board of Medical Examiners
234	State Board of Nursing
235	State Board of Pharmacy
236	State Board of Physical Therapy Examiners
237	State Board of Pyrotechnic Safety
238	State Board of Registration for Geologists
239	State Board of Social Work Examiners
240	State Board of Veterinary Medical Examiners
241	State Commission for Minority Affairs
242	State Commission of Forestry
243	State Election Commission
244	State Ethics Commission
245	State Historical Records Advisory Board
246	State Human Affairs Commission
247	State Interagency Planning and Evaluation Advisory Committee
248	State Library Board
249	State Licensing Board for Contractors
250	State Regulation of Public Utilities Review Committee
251	State Solid Waste Advisory Council
252	State Vocational Rehabilitation Board

253	State Workforce Development Board
254	Statewide Health Coordinating Council
255	Statewide Independent Living Council
256	Technical Advisory Radiation Control Council
257	Teen Pregnancy Prevention Committee
258	The Citadel Board of Visitors
259	Tobacco Community Development Board
260	University of South Carolina Board of Trustees
261	Veterans Policy Advisory Committee
262	Victim Services Coordinating Council
263	Volunteer Strategic Assistance and Fire Equipment Program (V-SAFE) Peer Review Panel
264	Vulnerable Adults Fatalities Review Committee
265	War Between the States Heritage Trust Advisory Board
266	War Between the States Heritage Trust Advisory Commission
267	Water Resources Coordinating Council
268	Wil Lou Gray Opportunity School Board of Trustees
269	Wildlife and Freshwater Fisheries Advisory Board
270	Winthrop University Board of Trustees
271	Yadkin/Pee Dee Commission

Advertising Positions and Incentives to Apply

Service in the South Carolina General Assembly is not a full time job. Therefore, it is unclear how much time and resources those recommending or selecting board members have available to perform these tasks (e.g., publicizing positions, fielding calls, reviewing applications, etc.). Additionally, it is unclear whether the state offers sufficient incentives to recruit individuals to apply, and commit the time and energy necessary to fulfill the roles diligently.

Diligently fulfilling the responsibilities of some board positions requires considerable time and effort. Therefore, incentives may assist in recruiting applicants and ensuring, if selected, they fully commit to the position. Examples of incentive categories for different state boards are as follows:

- Expense reimbursement only (e.g., S.C. Research Authority,³²⁰ Board of Commissioners of the S.C. School for the Deaf and the Blind³²¹),
- Mileage, subsistence, and per diem (e.g., Building Codes Council³²²),
- Mileage, subsistence, and per diem, plus actual and necessary expenses (e.g., Board of Probation, Parole, and Pardon³²³), and
- Annual salaries (e.g., Public Service Commission,³²⁴ Juvenile Parole Board,³²⁵ Board of Economic Advisors³²⁶).

Required Qualifications to Consider

The General Assembly specifies certain qualifications for individuals to serve on some boards. For other board positions, there are no specified qualifications.³²⁷ Board positions may be grouped into three categories as it relates to qualifications to serve in the position: (1) no specified qualifications in statute; (2) some specified qualifications with language allowing the appointing authority great latitude in their decision, such as “or any other qualifications deemed pertinent;” and (3) specified qualifications with no broad language allowing latitude in the decision. Specified qualifications may include the area in which an individual resides, organizations/industries the individual represents, the individual’s education, profession/work experience, or a combination thereof, as seen in the examples in Table 29.

Table 29. Examples of qualifications to serve on a board

Qualifications
No specified qualifications in statute
<ul style="list-style-type: none"> • No specific requirements for selection to the board (e.g., education, work experience, etc.)³²⁸
Some specified qualifications with broad latitude
<ul style="list-style-type: none"> • Experience in the areas of natural resources, land development, forestry, finance, land conservation, real estate, or law³²⁹ • Candidate is not required to have a background of substantial duration and expertise in one of the eight enumerated areas (i.e., energy, telecommunications, consumer protection, etc.) if three-fourths of the review committee vote to qualify the candidate and provide written justification of their decision in the report as to the qualifications of the candidate³³⁰
Specified qualifications with no broad latitude
<ul style="list-style-type: none"> • Residence <ul style="list-style-type: none"> ○ From each congressional district³³¹ ○ Reside in or represent all or some portion of the counties designated as distressed or least developed pursuant to S.C. Code Section 12-6-3360 for 2009 or a county designated as such at the time of appointment³³² • Organizations in which involved or lack thereof <ul style="list-style-type: none"> ○ Represent veterans’ service organizations³³³ ○ Representatives of the general public who are unaffiliated with insurance or health care industries or the medical or legal professions³³⁴

Qualifications

- Education
 - Ph.D. in economics or finance from a doctorate-granting institution as classified by the Carnegie Foundation³³⁵
 - Chartered Financial Analyst credential of the CFA Institute³³⁶
- Education and Work experience
 - four-year baccalaureate or more advanced degree and a background of at least five years in any one or any combination of the fields listed³³⁷
- Work experience/Profession
 - Practical lumbermen³³⁸
 - Hospital administrator³³⁹
 - Practicing certified public accountant³⁴⁰
 - Attorney licensed in S.C. who is not engaged in the practice of public accounting; has no financial interest in the profession of public accounting; and has no immediate family member in the profession of public accounting³⁴¹
 - at least twelve years of professional experience as a certified public accountant with financial management, pension, or insurance audit expertise³⁴²
- Work experience and recommendation from organization
 - member of the South Carolina Bar whose practice is principally in family law, appointed upon recommendation by the South Carolina Bar membership³⁴³
- Work experience and residence
 - Chief of Police from a municipality having a population of less than ten thousand³⁴⁴
- Other
 - Disabled person (Building Codes Council)³⁴⁵
 - Are not family of a member of the General Assembly³⁴⁶
 - Member of majority political party represented in the General Assembly³⁴⁷
 - Member of the largest minority political party represented in the General Assembly³⁴⁸
 - While serving in the position, do not participate in political management or in a political campaign; make a contribution to a candidate; or knowingly attend a fundraiser held for the benefit of a candidate³⁴⁹

Specifying qualifications may help ensure those on a particular board have a background or expertise to fully understand an agency's operations (e.g., lumberman on the Forestry Commission), as well as to ensure the board has diverse representation from throughout the state. However, the number of different specified qualifications for a board may also create challenges in recruiting applicants. Additionally, it may increase the amount of time needed to review information from those interested in the positions.

The current process for determining whether there are specified qualifications for a position is as follows: (1) search for a specific board on the Secretary of State's Office website, (2) select the link to the statute at the top of the page, (3) scroll down the General Assembly website page to find the statute, (4) read the

statute, and (5) if the statute does not relate to qualifications for the position, read all of the statutes on the page to determine if there is a statute that relates to qualifications.³⁵⁰ The process applies to both appointing authorities and individuals applying for positions. If the individual applying finds they do not qualify for the first board they searched, but still wants to serve on a state board, they have to go back to the Secretary of State’s Office website, know the name of another board to search for, then search for it and repeat the same steps as with the first board search. If an individual has an interest in serving on a board, but does not know, or have a preference, for which board, it may be a time consuming task to try and find one for which they qualify, and have an interest.

If an entity in state government maintained information on the specified qualifications required for each position in a central location, it may create opportunities to increase the number of applicants that meet the specified qualifications for each board seat. For example, a database could maintain the specified qualifications for each position regardless of status (vacant, expired, or filled). It would match applicants based on information they submit electronically and allow them to indicate their desire to be considered, now or in the future, for one or more of the positions. Additionally, it could provide appointing authorities a list of these individuals that are interested in the position and meet the specified qualifications.

Also, this may be helpful because the Secretary of State’s Office asserts there is not a law requiring it to confirm that individuals appointed or elected to state boards meet the statutory requirements for membership.³⁵¹ Therefore, if an appointing authority appoints an individual that does not meet the statutory requirements, it is up to the public to discover this information and make it known to others.

Varying Responsibility, Method, and Timing of Selections

Selection of individuals to serve on the over 150 boards is the responsibility of all three different branches of government, through a combination of at least sixteen different methods. For example, selections may occur by the governor alone, governor with senate approval, general assembly alone, or legislative county, congressional, or judicial circuit delegation. Additionally, there are multiple times throughout the year in which current positions expire and new individuals are needed, or current individuals must be re-appointed/elected, if consecutive terms are allowed.³⁵² A list of different methods through which board positions are selected is in Table 30

Table 30. Examples of board member selection responsibility and methods

Board Selection Responsibility and Methods
<ul style="list-style-type: none"> • Legislative branch only <ul style="list-style-type: none"> ○ Speaker of the House or President of the Senate - Appointment³⁵³ ○ Chair of a House or Senate Committee - Appointment³⁵⁴ ○ Congressional district legislative delegation - Election³⁵⁵ ○ County legislative delegation - Appointment³⁵⁶ ○ Judicial circuit legislative delegation - Election³⁵⁷ ○ Entire General Assembly³⁵⁸

- **Executive branch with advice and consent of legislative branch**
 - Governor with Senate approval - Appointment³⁵⁹
 - Governor upon recommendation by congressional district legislative delegation - Appointment³⁶⁰
 - Governor upon recommendation by county legislative delegation - Appointment³⁶¹
 - Governor upon recommendation by Speaker of the House or President of the Senate - Appointment³⁶²
 - Governor upon joint recommendation by the Chair of a House Committee and Speaker of the House, or Chair of a Senate Committee and President of the Senate - Appointment³⁶³
 - Governor from a list of candidates submitted by an association or other non-state government organization³⁶⁴

- **Executive branch only**
 - Governor with no other approval required - Appointment³⁶⁵
 - State agency³⁶⁶
 - State agency upon recommendation by county legislative delegation³⁶⁷

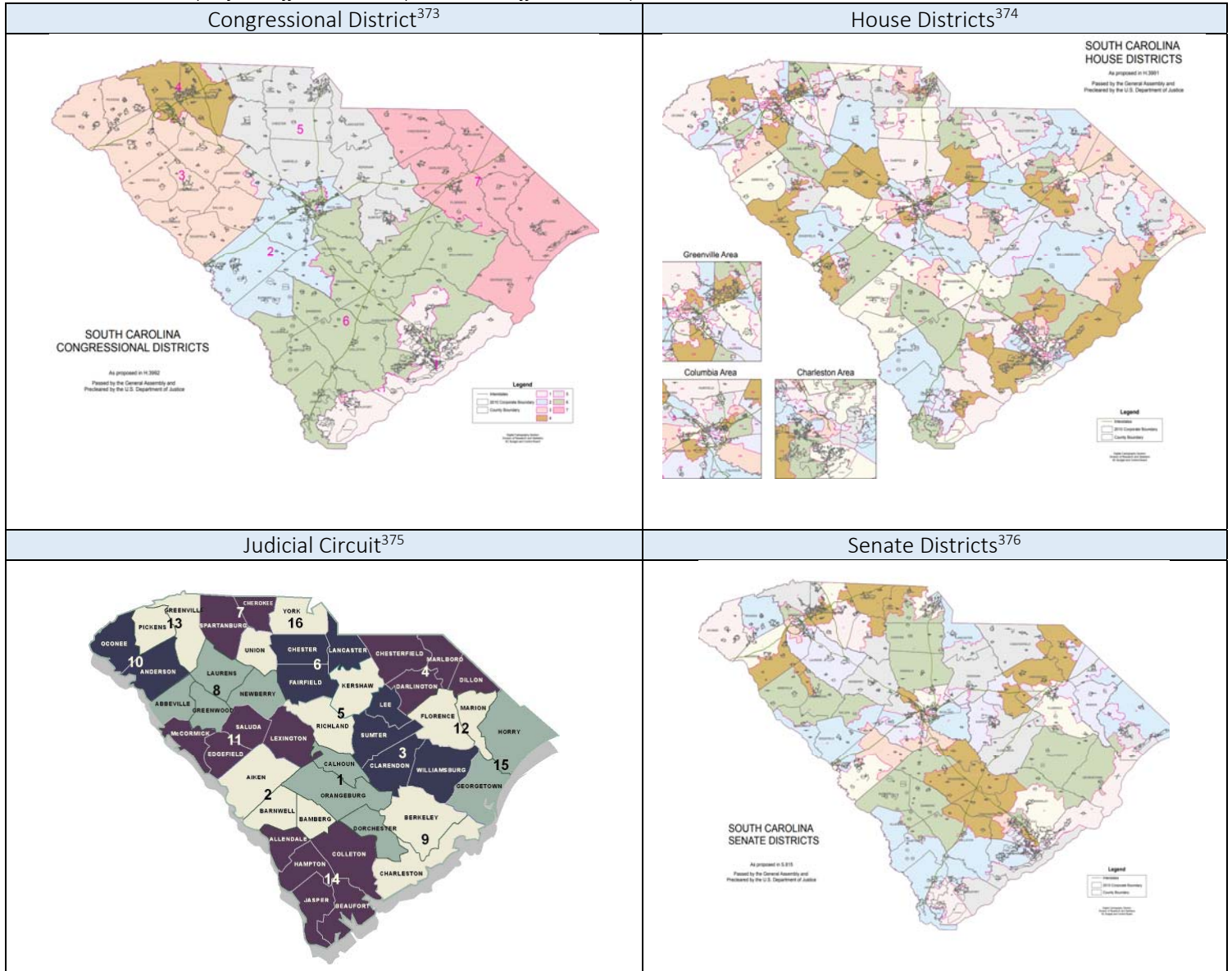
- **Judicial branch only**
 - Chief Justice of S.C. Supreme Court - Appointment³⁶⁸
 - All justices of S.C. Supreme Court - Appointment³⁶⁹

- **Automatic because of an individual's position**
 - Elected position (e.g., Chair of House Ways and Means Committee, Chair of Senate Finance Committee, etc.) - Appointment³⁷⁰
 - Agency position (e.g., Director of an agency, Chair of an agency board) - Appointment³⁷¹
 - Non-state agency or elected position (e.g., Chief executive officers of educational institutions) - Appointment³⁷²

Table Note: This may not be an all-inclusive list of ways in which an individual is selected to serve on a board.

Maps of the different areas represented in different board selection methods is shown in Table 31.

Table 31. Maps of the different areas represented in different board position selection methods



As seen in the Board Responsibility and Selection Methods table, each member of the House is involved when board members are selected by: (a) the entire General Assembly, (b) their legislative county delegation, (c) their legislative congressional delegation, and (d) their legislative judicial circuit delegation (each delegation may have different individuals that comprise it). In addition to involvement in the selection of board members for which other House members are involved (e.g., entire general assembly and different delegations), the Chair of a House Committee and the Speaker of the House may have other board members they are also responsible for selecting. For senators, include everything for which the House is responsible, and add to it board members the Governor selects with the advice and consent of the Senate.

Decreasing the number of selection methods may improve the process, or other opportunities may exist to gain efficiencies, without changing the current selection methods. For example, one option may be to update the selection dates for certain groups (e.g., delegations) to a common time of year and regularly informing appointing authorities in advance so they can advertise the opportunities to constituents. Also, if those seeking positions could electronically submit applications to a central location one year or more in advance it may assist those making the selections, as well as those applying for the positions.

In addition to those elected or appointed to a board, potential issues can arise if those who are automatically selected to serve on a board based on statute and their role lack of knowledge about the automatic selection. There may be opportunities to ensure those individuals participation on the board, by sending regular correspondence/reminders to the individual's office mailing address (or email). Another option may be to have each board update attendance at meetings in a central online form so notification can be sent to those who miss several meetings to ensure they are aware they serve on the board. This may also assist the Governor in monitoring individuals that have missed the statutorily allowed number of meetings.

Transmission of Information After Position is Selected

Since 2002, the law has required boards to send written notification of appointments, elections, resignations, and vacancies to the Secretary of State's Office with certain information, including, but not limited to, the following: (a) member's name and district, circuit, seat, or position, if applicable; (b) when the member's term begins and ends; and (c) whether the member is eligible to receive compensation for his service.³⁷⁷ Additionally, the Secretary of State's Office has the responsibility to "monitor" positions on boards.³⁷⁸ These dual responsibilities enable the Secretary of State's Office to fulfill its obligation to keep in a public record "an up-to-date compilation of the membership of the boards and commissions ... so that members of the General Assembly and interested citizens may be informed of the current composition of these boards and commissions."³⁷⁹ The compilation of information must include: "(1) length of term for each office; (2) month and year in which terms have expired or will expire; (3) terms which have expired; (4) vacancies; (5) body or authority which elects or appoints, as appropriate; (6) any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and (7) any additional information received from state boards or commissions as required by Section 1-1-1310."³⁸⁰

A flow chart illustrating the transmission of information is provided in Figure 14.

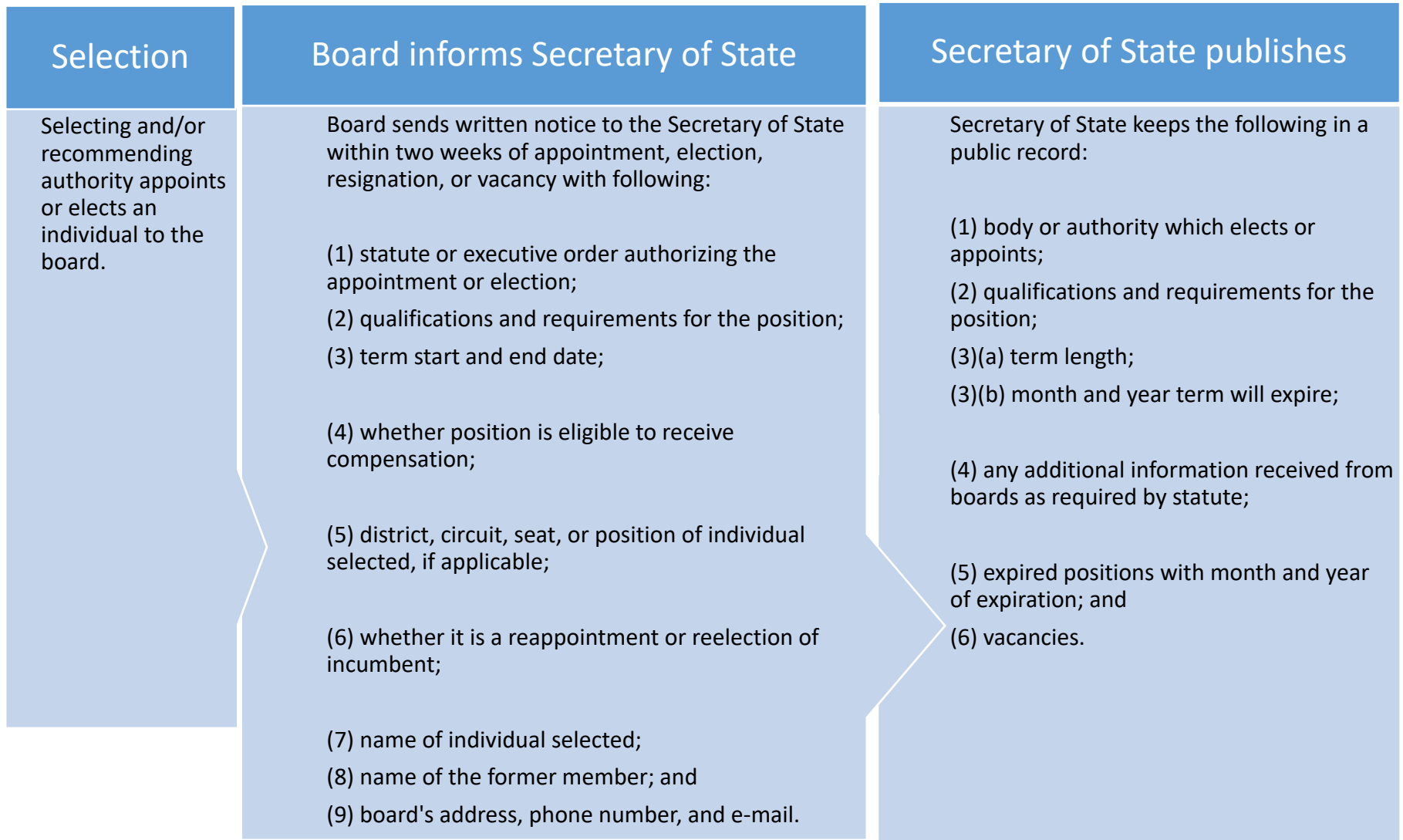


Figure 14. Transmission of information about board membership³⁸¹

Figure Note: Statute does not specify who informs the individual, or the board, of the appointment or election. Also, there are no consequences in statute for a board failing to provide the Secretary of State's Office the required information or the Secretary of State failing to publish the required information.

Knowledge of Responsibilities

It is unclear whether individuals selected to serve in board positions are aware of the duties associated with the position when applying for the position and/or after selection to the board. At least one board requires initial training as well as annual training (i.e., Board of Probation, Parole, and Pardon).³⁸² However, during several studies, the Committee found other agencies do not provide, nor require, board members undergo initial or regular training.³⁸³

Potentially Inactive or Duplicate Boards

Examples of other boards listed on the Secretary of State's Office website, which may no longer be active, or may be the same as another board listed, which the Secretary of State's Office may wish to investigate further, are provided in Table 32. Having inactive or duplicate boards on the Secretary of State's Office website may make information available to the public and General Assembly misleading (e.g., number and type of state boards; number of vacancies and expired terms, etc.)

Table 32. Boards listed on the Secretary of State's Office website, which may no longer be active, or may be the same as another board listed on the website

Name of Board	Reason it may be inactive or duplicative of another board
State Board of Law Examiners ³⁸⁴	<ul style="list-style-type: none"> All 21 positions are expired, the most recent in January 2017.³⁸⁵ Language of statutory reference for State Board of Law Examiners appears similar to the language in the S.C. Court Rule cited on the Secretary of State's Office website with the Committee on Character and Fitness.³⁸⁶
S.C. Rural Water and Sewer Act Advisory Committee ³⁸⁷	<ul style="list-style-type: none"> All eight positions are vacant No substantive changes have been made to the applicable law (Title 6, Chapter 19) since before creation of the South Carolina Rural Infrastructure Authority Board of Directors This advisory committee and the Rural Infrastructure Authority are both to provide grants for water and sewer projects in rural areas.³⁸⁸
Information Resources Council for South Carolina ³⁸⁹	<ul style="list-style-type: none"> Of the 15 members, the House Representative position is vacant, the Senator position is vacant, and all other positions were appointed 21 years ago. The Council was formed by a Governor's Executive Order entered 21 years ago (March 1, 1999). The Department of Administration's Division of Technology Operations may be handling the council's responsibilities.³⁹⁰
South Carolina Coastal Zone Management Appellate Panel ³⁹¹	<ul style="list-style-type: none"> All of the 15 positions are vacant (4) or expired (11).³⁹² The statute applicable to panel was repealed by 2018 Act No. 167, Section 1, eff May 3, 2018.
Coastal Zone Management Advisory Council ³⁹³	<ul style="list-style-type: none"> All 15 positions are vacant³⁹⁴
Prisoners of War Commission ³⁹⁵	<ul style="list-style-type: none"> All eight positions are vacant.³⁹⁶
State Interagency Planning and Evaluation Advisory Committee ³⁹⁷	<ul style="list-style-type: none"> All seven of the non-ex-officio positions are vacant, including the representative from the governor's office, two senate committee members, and two house committee members.³⁹⁸

	<ul style="list-style-type: none"> The committee was formed to assist in the S.C. Human Services Demonstration Project, which was to provide information to the Reorganization Commission pursuant to its authority in Title 1, Chapter 19; and Title 1, Chapter 19 no longer exists.³⁹⁹
State Advisory Council on Erosion and Sediment Reduction ⁴⁰⁰	<ul style="list-style-type: none"> All 18 positions are vacant.⁴⁰¹
Seizure Safety Study Committee ⁴⁰²	<ul style="list-style-type: none"> Of the nine non-ex-officio positions all are vacant (8) or expired (1).⁴⁰³ The joint resolution which created the committee states, "Before January 31, 2018, the study committee shall make a report of the committee's recommendations to the General Assembly at which time the study committee must be dissolved."⁴⁰⁴
Birth Defects Advisory Council ⁴⁰⁵	<ul style="list-style-type: none"> All 13 positions, which are to be appointed by the Commissioner of DHEC, are vacant.⁴⁰⁶
Local Government Study Committee ⁴⁰⁷	<ul style="list-style-type: none"> All 12 positions (4 from the Senate, 4 from the House, and 4 from the Governor) are vacant.⁴⁰⁸ Statutes related to the committee have not been updated in over 45 years.⁴⁰⁹

APPENDIX H. VACANT AND EXPIRED BOARD SEAT EXAMPLES

Examples of vacant or expired board seats, along with the branch of government responsible and duties of the board as of May 2020 are in Table 33.

Table 33. Examples of vacant or expired board seats, along with the branch of government responsible and duties of the board, as of May 2020.

Duties, Status of board positions, and Appointment responsibility	Board
<ul style="list-style-type: none"> • Duties relate to: Evaluating regulations and recommending changes to “safeguard children in care in places other than their own homes [childcare facilities], ensuring for them minimum levels of protection and supervision.”⁴¹⁰ • 100% of 17 positions are vacant (2) or expired (15); Terms expired between six and 18 years ago.⁴¹¹ • Appoint by <ul style="list-style-type: none"> ○ 14 by Governor from lists provided by S.C. organizations representing the various types of childcare facilities defined in this chapter. ○ 1 by Governor from lists provided by S.C. Chamber of Commerce. ○ 2 by the Governor to represent church-operated childcare centers 	State Advisory Committee on the Regulation of Childcare Facilities
<ul style="list-style-type: none"> • Duties relate to: Collection and release of health care-related data by the state⁴¹² • 73% of 15 non-ex-officio positions are vacant (9) or expired (2); Terms expired six months ago and nine years ago.⁴¹³ • Appointed by: Governor 	Data Oversight Council
<ul style="list-style-type: none"> • Duties relate to: State health plan for use in administration of the Certificate of Need program (approval required before health care systems can make large purchases, construction, etc. every two years)⁴¹⁴ • 92% of 13 non-ex-officio positions are vacant (1) or expired (11); Terms expired between two and five years ago.⁴¹⁵ • Appointed by: Governor 	South Carolina Health Planning Committee
<ul style="list-style-type: none"> • Duties relate to: Assist and enhance the Department of Archives and History’s efforts to preserve and promote historic buildings, structures, and sites reflecting the state's African-American heritage⁴¹⁶ • 100% of 15 voting positions are expired; Terms expired between four and six years ago.⁴¹⁷ 	South Carolina African-American Heritage Commission

Duties, Status of board positions, and Appointment responsibility	Board
<ul style="list-style-type: none"> Appointed by: Department of Archives and History 	
<ul style="list-style-type: none"> Duties relate to: Protection and advocacy for S.C. citizens with developmental disabilities as required by federal law, as well as protection and advocacy for all S.C. citizens with disabilities.⁴¹⁸ 73% of 15 positions are expired (11); Terms expired between three and six years ago.⁴¹⁹ Appointed by: <ul style="list-style-type: none"> Four by Governor Eight by board upon recommendation by the agency’s nominating committee which shall consult with advocacy groups of the state representing persons with disabilities. 	Board of Directors of Protection & Advocacy for People with Disabilities, Inc.
<ul style="list-style-type: none"> Duties relate to: Grading the tests required to practice law in S.C. (e.g., Multistate Performance Test (MPT), Multistate Essay Examination (MEE)) as well as rules and regulations relating to the accommodation of applicants with disabilities⁴²⁰ 100% of 12 positions are vacant (2) or expired (10); Terms expired between three and six years ago.⁴²¹ Appointed by: Supreme Court 	Committee on Character and Fitness
<ul style="list-style-type: none"> Duties relate to: Providing a statewide system for the delivery of mental health services to treat, care for, reduce, and prevent mental illness and provide mental health services for citizens of this state, whether or not in a hospital. The system must include services to prevent or postpone the commitment or recommitment of citizens to hospitals.⁴²² Also, determining policies and create regulations governing the operation of the Department of Mental Health and the employment of professional and staff personnel⁴²³ 75% of seven positions are vacant (3) or expired (1); Term expired two years ago.⁴²⁴ Appointed by: Governor with the advice and consent of Senate 	Mental Health Commission
<ul style="list-style-type: none"> Duties relate to: Power to adopt policies, rules and regulations of the Department of Agriculture; annually approve budget requests for the institutions, agencies and service under the control of the Department of Agriculture as prepared by the Commissioner of Agriculture prior to being submitted to the Governor and to the General Assembly.⁴²⁵ Over 50% of 17 non-ex-officio positions are expired; Terms expired between one and 21 years ago.⁴²⁶ 	Agriculture Commission

Duties, Status of board positions, and Appointment responsibility	Board
<ul style="list-style-type: none"> Elected by: Legislative judicial circuit delegation 	
<ul style="list-style-type: none"> Duties relate to: Deciding the release, or revocation of release, of juveniles committed to the Department of Juvenile Justice (DJJ)⁴²⁷ 86% of seven positions are serving in expired terms; Terms expired between one and four years ago.⁴²⁸ Appointed by: Governor with advice and consent of the Senate 	<p>Juvenile Parole Board</p>
<ul style="list-style-type: none"> Duties relate to: Governing the S.C. Jobs-Economic Development Authority which has a duty to promote and develop the business (small and large) and economic welfare of S.C., encourage and assist through loans, investments, research, technical and managerial advice, studies, data compilation and dissemination, and similar means, in the location of new business enterprises in S.C. and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within S.C., so as to provide maximum opportunities for creation and retention of jobs and improvement of the standard of living of S.C. citizens.⁴²⁹ 100% of eight non-ex-officio positions are vacant (3) or expired (5); Terms expired between one and five years ago.⁴³⁰ Appointed by: Governor with advice and consent of the Senate⁴³¹ 	<p>S.C. Jobs-Economic Development Authority Board of Directors</p>

APPENDIX I. BOARDS AND COMMISSIONS WITH NO CURRENT APPOINTMENTS ON FILE

The Secretary of State's Office provided the following lists of state board, commission, council, or committee (collectively "boards") with no current appointments on file with their office (i.e., they are all expired and/or vacant), other than ex officio or legislative members, and boards the agency considers to have a large number of vacancies and expired terms according to the information transmitted to their office.⁴³² There are 87 different boards between these two lists.

The Secretary of State's Office found, as of June 2020, the boards listed below have no current appointments on file with their office, other than ex officio or legislative members.

1. Adult Protection Coordinating Council
2. Advisory Committee for the Improvement of Workers Compensation Laws
3. Advisory Committee to Department of Health and Environmental Control (Safe Water Drinking Act)
4. Advisory Committee to the State Board of Cosmetology
5. Alzheimer's Disease and Related Disorders Resource Coordination Center Advisory Council
6. Birth Defects Advisory Council
7. Coastal Zone Management Advisory Council
8. Commission on Interstate Cooperation
9. Commission on Women
10. Commissioners of Pilotage for the Lower Coastal Area
11. Commissioners of Pilotage for the Upper Coastal Area
12. Committee on Character and Fitness
13. Committee to Publish the Opinions of the Supreme Court
14. Diabetes Initiative for South Carolina Board
15. Donate Life South Carolina
16. Energy Independence and Sustainable Construction Advisory Committee
17. Health Insurance Pool Board of Directors
18. Hunley Commission
19. Information Resources Council for South Carolina
20. Judicial Council of the State of South Carolina
21. Local Government Study Committee
22. Lottery Retailer Advisory Board
23. Maritime Security Commission
24. Medical Advisory Panel
25. Old Abbeville District Historical Commission
26. Old Jacksonborough Historic District
27. Prisoners of War Commission
28. South Carolina African American Heritage Commission
29. South Carolina Centers of Economic Excellence Review Board
30. South Carolina Education Council
31. South Carolina Housing Commission

32. South Carolina Interagency Coordinating Council
33. South Carolina Manufactured Housing Board
34. South Carolina Migratory Waterfowl Committee
35. South Carolina Panel for Dietetics
36. South Carolina Rural Water and Sewer Act Advisory Committee
37. South Carolina Youth Smoking Prevention Advisory Council
38. State Advisory Committee on the Regulation of Child Care Facilities
39. State Advisory Council on Erosion and Sediment Reduction
40. State Board of Law Examiners
41. State Interagency Planning and Evaluation Advisory Committee
42. Statewide Health Coordinating Council
43. Tobacco Community Development Board
44. Victim Services Coordinating Council
45. Vulnerable Adults Fatalities Review Committee
46. War Between the States Heritage Trust Advisory Board
47. War Between the States Heritage Trust Advisory Commission
48. Yadkin/Pee Dee Commission.⁴³³

In addition, the Secretary of State's Office found, as of June 2020, the boards listed below have what the agency considers a large number of vacancies and expired terms according to the information transmitted to their office.

1. Advisory Panel for Massage/Bodywork
2. Agriculture Commission
3. Board of Commissioners of the South Carolina School for the Deaf and the Blind
4. Board of Directors of Protection & Advocacy for People with Disabilities, Inc.
5. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-educational Specialists
6. Board of Landscape Architectural Examiners
7. Board of Podiatry Examiners
8. Board of Trustees, Children's Trust Fund of South Carolina
9. Board of Trustees for the Veterans' Trust Fund of South Carolina
10. Charleston Naval Complex Redevelopment Authority
11. Commission on Indigent Defense
12. Council of Advisors on Consumer Credit
13. Governor's Council on Physical Fitness
14. Data Oversight Council
15. Juvenile Parole Board
16. Lowcountry and Resort Islands Tourism Commission
17. Medical Disciplinary Commission of the State Board of Medical Examiners
18. Olde English District Tourism Commission
19. Pee Dee Tourism Commission
20. Pesticide Advisory Committee
21. Saltwater Recreational Fisheries Advisory Committee
22. South Carolina Arts Commission
23. South Carolina Commission for the Blind
24. South Carolina Governor's School for the Arts and Humanities
25. South Carolina Health Planning Committee

26. South Carolina Heritage Trust Advisory Board
27. South Carolina Jobs-Economic Development Authority
28. South Carolina Mental Health Commission
29. South Carolina Museum Commission
30. South Carolina Venture Capital Authority
31. Southern Regional Education Board
32. State Athletic Commission
33. State Board of Nursing
34. State Board of Physical Therapy Examiners
35. State Historical Records Advisory Board
36. State Human Affairs Commission
37. Technical Advisory Radiation Control Council
38. Veterans Policy Advisory Council

APPENDIX J. REQUEST TO LEGISLATIVE AUDIT COUNCIL FOR ADDITIONAL ANALYSIS OF BOARDS AND COMMISSIONS

To assist the General Assembly determine the causes of this high percentage of vacancies and expirations, as well as potential options for curbing them in the future, the Subcommittee proposes the Committee request, pursuant to the authority granted by S.C. Code Section 2-2-60(D) and House Legislative Oversight Committee Rule 7.6, the Legislative Audit Council (LAC) conduct an audit on topics related to boards and commissions, including, but not limited to, those below. As part of the LAC's audit report available to the public, please provide an Excel document with attributes about each board that LAC collected and utilized as part of its analysis. This information may be helpful in future analysis, as well as determining the type of data the General Assembly may request the Secretary of State's Office or another entity maintain and provide on a regular basis (e.g., monthly, annually, etc.)

As for the scope of the review, in addition to any issues of concern LAC may identify during the review, please address the following.

For inactive/duplicate boards:

- Number
 - Which boards appear to be inactive or replaced by another board?
- Detection and resolution options
 - What are current options for determining inactive/duplicate boards?
 - What are current options for how to address publication of information about inactive/duplicate boards?

For active boards:

- Selection of board members
 - What are major challenges/potential causes for number of vacancies and expired terms (e.g., appointing authorities' knowledge of all positions they are responsible for appointing/electing; methods utilized to advertise available positions; number of individuals applying for positions; number of individuals qualified for position; multitude of dates throughout the year in which different positions expire and new selections are required; methods utilized to make selections)?
- Statutory qualifications of board members
 - Who confirms those selected meet statutory qualifications and how?
- Transmission and publication of board and board member information to the public⁴³⁴
 - Is the information accurate and provided in a timely manner?
 - Which entities regularly do, and do not provide information in a timely manner?

- Terms of board members
 - Is applicable information for members of all boards available in statute (e.g., start and end date, what to do upon expiration)?
- Participation of board members and operation of board
 - What is the participation level of board members in general?
 - What is the participation level of different categories of board members (e.g., members automatically selected by statute, members selected by Governor's Office, members selected by other appointing authorities, members paid salary, members paid per diem, members not paid)?
 - How many current board members have missed the number of meetings in statute that would automatically remove them from the board?
 - How many boards have difficulty conducting business due to the current number of members appointed/selected (e.g., quorum not met for meeting, voting, etc.)?
- Duties of boards and board member knowledge thereof
 - For what different types of duties are boards responsible?
 - How many boards provide/require initial training for board members and what does the training entail?
 - How many boards provide/require annual training for board members and what does the training entail?
 - What methods exist to ensure members have knowledge of their duties?
- Incentives to serve and accountability of board members
 - What do board members receive in exchange for their time and effort in fulfilling their duties?
 - Is there any correlation in different types of board incentives and board vacancies, expirations, or participation?
 - What are the consequences for board members that fail to fulfill their duties? How frequently are those consequences enforced?
 - Is there any correlation in different types of board incentives and board vacancies, expirations, or participation?
- Costs of boards
 - For each of the last five years, how much would it have cost the state if all board seats were filled and all boards were meeting the minimum number of times required in statute?

The LAC audit should obtain information from sources including, but not limited to, appointing authorities (e.g., members of the General Assembly, Governor), entities from whom appointing authorities statutorily receive recommendations and must make selections (e.g., S.C. organizations representing various types of childcare facilities; advocacy groups of the state representing persons with disabilities)⁴³⁵, delegation staff (e.g., county, judicial circuit, congressional), Secretary of State's Office staff, South Carolina Interactive, Senate Legislative Oversight Committee's study of the Secretary of State's Office, and House Legislative Oversight Committee's study of the Secretary of State's Office.

APPENDIX K. ADDITIONAL CHANGES FOR FUTURE CONSIDERATION BY THE SECRETARY OF STATE'S OFFICE AND GENERAL ASSEMBLY

Examples of additional improvements Secretary of State's Office could consider, after addressing immediate needs, may include the following:

- Updating its board database as follows:
 - List the dates applicable to vacancies,
 - Identify and add links to all laws applicable to a board position in the board member search,
 - Enable users to search board seats by name of elected officials to see which seats each has responsibility in appointing/electing,
 - Enable automatic notifications to appointing authorities to provide reminders of current vacant/expired board positions, and board positions expiring within the next year, and
 - Create a web form which appointing authorities complete to submit all required information,
- Investigating the feasibility of creating a way for the public to contact the agency with complaints and questions about charity solicitations via their mobile phone,
- Revising the annual angel charity selection process by replacing agency discretion in certain phases with additional objective criteria or listing all charities that meet the existing objective criteria as angels, and
- Communicating with the Prosecution Coordination Commission regularly about which cases from the Secretary of State's Office the solicitors prosecute and why.

Examples of additional statutory changes the General Assembly could consider include the following:

- Improving communication and accountability related to boards (e.g., clarification of how to address inactive/defunct boards; enforcement mechanisms related to providing up to date and accurate notification of appointments, elections, resignations, and vacancies),
- Reviewing statutes related to railroad filings as many have not been updated in more than 60 years,
- Reviewing statutes related to trademark and livestock brands as fees related to livestock brands have not increased in more than 60 years and fees related to state trademarks have not increased in more than 25 years, and
- Evaluating the state's objectives in regulating employment agencies as there have been no significant updates to the Private Personnel Placement Services Act in more than 30 years.

Discussion of these potential changes is included below.

Secretary of State's Office

Update online Board database

The Secretary of State's Office may consider the following updates to its board database:

- List the date a position becomes vacant and the date the term of that vacant position expires (and the next term begins), when applicable;
- List the entity or individual responsible for appointing/electing each position (appointing authorities), including positions that are currently vacant;
- Enable users to search board seats by name of elected officials to see which seats each has responsibility in appointing/electing; and
- Enable automatic notifications to appointing authorities to provide reminders of current vacant/expired board positions, and board positions expiring within the next year.

List the dates applicable to vacancies,

The Secretary of State's Office website lists the positions on each board that are vacant. However, the website does not list the date the position became vacant nor the date the term of the vacant position expires, as seen in Figure 15.

Birth Defects Advisory Council						
Statutes: SC Code §44-44-40						
Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Adult, born with birth defect	Member	VACANT				<input type="checkbox"/>
Dept. of Disabilities and Special Needs	Member	VACANT				<input type="checkbox"/>
Dept. of Health and Human Services	Member	VACANT				<input type="checkbox"/>
Genetics counselor or physician	Member	VACANT				<input type="checkbox"/>
Genetics physician	Member	VACANT				<input type="checkbox"/>
Greenwood Genetic Center	Member	VACANT				<input type="checkbox"/>
March of Dimes, SC Chapter	Member	VACANT				<input type="checkbox"/>
Maternal fetal medicine	Member	VACANT				<input type="checkbox"/>
Neonatal-perinatal medicine	Member	VACANT				<input type="checkbox"/>
Parent	Member	VACANT				<input type="checkbox"/>
Pediatric cardiology or Genetics counselor or phys	Member	VACANT				<input type="checkbox"/>
SC Hospital	Member	VACANT				<input type="checkbox"/>
SC Perinatal Association	Member	VACANT				<input type="checkbox"/>

Figure 15. Example of information on the Secretary of State's Office about vacant positions

Additionally, the website does not list the entity or individual responsible for appointing/electing the position when it is vacant, unlike when it is expired, as seen in Figure 16.

Health Insurance Pool Board of Directors						
Statutes: SC Code §38-74-20						
Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Pool Member	Director	Williams, Jeffrey B.	Members of the Health Insurance Pool		5/7/2016	<input type="checkbox"/>
Pool Member	Director	Pifer, Donald	Members of the Health Insurance Pool	5/7/2014	5/7/2016	<input type="checkbox"/>
Pool Member	Director	Browne, Martha	Members of the Health Insurance Pool	5/7/2014	5/7/2016	<input type="checkbox"/>
Pool Member	Director	Foresman, Michael	Members of the Health Insurance Pool	5/1/2013	5/1/2015	<input type="checkbox"/>
Pool Member	Director	North, Mike	Members of the Health Insurance Pool	5/15/2015	5/7/2017	<input type="checkbox"/>
Public Member, Business	Director	VACANT				<input checked="" type="checkbox"/>
Public Member, Business	Director	VACANT				<input checked="" type="checkbox"/>
Public Member, Consumer	Director	VACANT				<input checked="" type="checkbox"/>

Figure 16. Example of information on the Secretary of State’s Office about vacant positions and positions that have expired

Unless the position has never been filled, the Secretary of State’s Office has information on the entity or individual that last appointed/elected someone to the position. Additionally, according to the Secretary of State’s Office, information on when the board became vacant, or when the term of the most recent person to hold the position expired, is available, but requires manual retrieval.⁴³⁶ Having this information available in an electronically searchable and sortable format enables the public and General Assembly to see which positions have only been vacant a few months, compared to positions which may have been vacant for numerous years.⁴³⁷ Potential ways to obtain this information include, but are not limited to, (a) adding a field in which to input the date a position becomes vacant and allowing the database to sort by that field or users to download an Excel document; and/or (b) keeping the expiration date, even when a position becomes vacant and allowing the database to sort by that field or users to download an Excel document.

Add links to, and identification of, all laws applicable to a board position in the board member search

When an individual searches for information about boards the individual has two options, as seen in Figure 17, (1) search for information on a specific board, or (2) search for information by board member, appointment type, or district.⁴³⁸

The screenshot shows a search interface with two radio buttons at the top. The first radio button is selected and is labeled '(1) Search Boards, Commissions, and Committees'. The second radio button is unselected and is labeled '(2) Search Board Members, Appointment Type, or District'. Below the radio buttons is a search box with a dropdown menu set to 'Contains' and a 'Search' button.

Figure 17. Options for how an individual can search for information about boards on the Secretary of State’s Office website

When an individual searches for information on a specific board and reaches the board page, typically there is a link for a statute applicable to the board near the top, as seen in Figure 18.

South Carolina Commission on Prosecution Coordination						
Statutes: SC Code §1-7-920						
Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Cotermin/At Pleasure Of
Chair of House Judiciary Committee	Ex Officio Member	Pope, Thomas E.	Chairman of the House Judiciary Committee, F.G. "Greg" Dellaney, Jr.	12/16/2014		<input checked="" type="checkbox"/>
Chair of Senate Judiciary Committee	Designee	Hembree, Greg	Chairman of the Senate Judiciary Committee, Larry A. Martin	9/1/2016		<input checked="" type="checkbox"/>

Figure 18. Information (partial) for a particular board or commission on the Secretary of State's Office website

However, there is no description of the information in the statute (e.g., who appoints/elects the members, required qualifications, duties, etc.), nor whether there are other statutes applicable to the board. In Figure 18 above, the statute includes information on the individuals that serve on the commission. However, there is a different statute, not provided on the webpage, which lists the duties of the commission members (S.C. Code Section 1-7-940). Identifying each statute, and to what it applies, may assist boards. For example, identifying and linking to the statute that explains the length of term and end dates, may assist the boards in providing correct information to the Secretary of State's Office, and the Secretary of State's Office in confirming the accuracy of the information, as the Committee has found incorrect end dates for board terms posted on the Secretary of State's Office website for at least two commission members.⁴³⁹

Additionally, while an individual may access a statute applicable to a board or commission, if the individual knows the specific board or commission they are looking for, this information is not available if an individual is searching by board member, appointment type, or district (e.g., if they are looking for a board with open seats in their area).

To search for open positions within a certain area of the state in which an individual resides, the individual must utilize the second search, shown in Figure 18 above, "board members, appointment type, or district." When this search is utilized an individual is unable to determine whether an open position requires certain qualifications, which they may or may not possess; requires certain duties, for which they may or may not want to have responsibility; provides compensation; length of term (e.g., one year, three years, etc.), or reasons for which the person can be removed from the position, as seen in Figure 19.⁴⁴⁰ Adding columns with links to laws applicable to these topics (e.g., qualifications, duties, compensation, etc.) may improve transparency and assist both the individuals who wish to contact the appointing authority about their desire to serve on a board and those responsible for selecting new board members to each seat. Also, it may help the Secretary of State's Office fulfill its statutory obligations.⁴⁴¹

Search Boards, Commissions, and Committees
 Search Board Members, Appointment Type, or District

Please enter either Last Name, Appointment Type, or District. At least one of these search fields is required.

Last Name:
 First Name:
 City:

Appointment Type:
 District:
 Active Members
 Vacant Seats
 Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
VACANT	Coastal Zone Management Advisory Council	7th Congressional District			<input type="checkbox"/>
VACANT	Commission on Women	7th Congressional District			<input type="checkbox"/>
VACANT	Medical Disciplinary Commission of the State Board of Medical Examiners	7th Congressional District, Lay Member			<input type="checkbox"/>
VACANT	Prisoners of War Commission	7th Congressional District			<input type="checkbox"/>
VACANT	South Carolina Coastal Zone Management Appellate Panel	7th Congressional District			<input type="checkbox"/>

Figure 19. Search results for vacant seats within the seventh congressional district on the Secretary of State's Office website

Additionally, the Secretary of State's Office may consider adding on the search page a map that shows where each congressional district is located and a map that shows where each judicial circuit is located, to assist individuals in finding the applicable district or circuit in which they live.

Enable users to search board seats by name of elected officials to see which seats each has responsibility in appointing/electing,

The Secretary of State's Office publishes a document online daily with the current list of board seat vacancies and expired terms, a page of which is shown in Figure 20.⁴⁴²

Vacancies and Expired Term List

As of Monday, May 11, 2020

Position Name	Position Title	Term Length	Official Name	Expiration Date	At Pleasure / Coterminous	Position Type	Appointed by
Adult Protection Coordinating Council							
Home/Community Care, Consumer or Family Member	Member	2	Alice Truluck			Others	Members of the Council
Institutional Care, Consumer or Family Member	Member	2	VACANT			Others	
Provider Association, Home & Community-Based Servi	Member	2	Elizabeth Krauss			Others	Members of the Council
Residential Care Facility Organization, Executive	Member	2	Melody Bailey			Others	Members of the Council
Advisory Committee for the Improvement of Workers Compensation Laws							
Attorney for Claimants	Member	5	William L. Smith II	11/1/2016		Gubernatorial Appointments	Governor
Attorney for Defendants	Member	5	William E. Shaughessy	11/1/2016		Gubernatorial Appointments	Governor
General Public	Member	5	Millicent C. Williams	11/9/2014		Gubernatorial Appointments	Governor
Industry Representative	Member	5	John F. Seibert	11/1/2014		Gubernatorial Appointments	Governor
Labor Representative	Member	5	James E. Sanderson Jr.	11/1/2014		Gubernatorial Appointments	Governor
Advisory Committee to DHEC (Safe Drinking Water Act)							
Consulting Hydrogeologist	Member	4	VACANT			Others	
Professional Engineer	Member	4	VACANT			Others	
Public, Engaged in Farming	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	
Well Driller	Member	4	VACANT			Others	

Figure 20. Board and commission daily vacancies and expired term list from the Secretary of State's Office website on May 11, 2020⁴⁴³

Also, there is a way to search for vacant seats on the agency's website by appointment type (e.g., Gubernatorial, General Assembly, or other) or district (e.g., Congressional district, at-large, or judicial circuit), as seen in Figure 21.

Search South Carolina State Boards & Commissions

Boards & Commissions Search Home

Search Boards, Commissions, and Committees
 Search Board Members, Appointment Type, or District

Please enter either Last Name, Appointment Type, or District. At least one of these search fields is required.

Last Name:
 First Name:
 City:

Appointment Type:
 District:
 Active Members
 Vacant Seats
 Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
VACANT	Catawba/Waterree River Basin Advisory Commission	NC Representative			<input checked="" type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	1st Congressional District			<input type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	2nd Congressional District			<input type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	3rd Congressional District			<input type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	4th Congressional District			<input type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	5th Congressional District			<input type="checkbox"/>
VACANT	Coastal Zone Management Advisory Council	6th Congressional District			<input type="checkbox"/>

Figure 21. Vacant board and commission seat search on the Secretary of State's Office website⁴⁴⁴

However, neither the vacancy and expired terms document, nor the online search, include the names of the General Assembly members that serve on the delegations that appoint each position. Additionally, there is no link to a map or document that explains to users which part of the state is within each congressional district or judicial circuit.

Since individuals seeking information about vacancies and expired terms may know the name of their elected House Member or Senator, but not the judicial circuit in which they reside, having a way to select the name of their elected representative from a drop-down menu to see the expired or vacant appointment positions for which their representative's delegation is responsible, may be helpful to those searching for open positions. Also, this may help elected officials stay abreast of positions they are responsible for appointing. Additionally, if there was a way to see appointments that will expire in the next year by elected official, a member could use this list to inform their constituents of upcoming available positions to encourage those interested to apply.

According to the Secretary of State's Office, they do not currently provide this type of search because it is not required in statute.⁴⁴⁵ However, if the agency asks the clerks of the House of Representatives and Senate for information on the delegations each individual legislator is a member, including the congressional district delegation, judicial circuit delegation, and county delegation, the agency could, by making changes to its database, provide board position information based upon an individual elected official.⁴⁴⁶

To increase the availability and efficiency with which the public can seek applicable positions, and members can stay current on positions for which they are responsible, the Secretary of State's Office may consider creating a way for the users to select an elected officials name to see the list of board seats the official is responsible for appointing.

Enable automatic notifications to appointing authorities to provide reminders of current vacant/expired board positions, and board positions expiring within the next year

If the Legislative Audit Council audit finds, based on information from members of the General Assembly, that receiving automatic communications of (a) current vacant/expired board/commission positions, and (b) board/commission positions expiring within the next year, may help avoid vacancies and expired terms, the Secretary of State's Office should determine a way to establish these automatic communications.

State law requires the Secretary of State's Office publicize vacancies, expired terms, and those terms expiring within one year on a semiannual basis statewide.⁴⁴⁷ The agency fulfills this duty through publication of information about board and commission seats on its website, which is available at all times.⁴⁴⁸ However, more may be needed since in the past two years over 40% of current board and commission member seats were vacant or had individuals serving in hold over capacities past the expiration of their term.⁴⁴⁹ An issue the Senate Oversight Committee also noted in its study.⁴⁵⁰

The Subcommittee understands the agency's database currently does not have a notification function and building this functionality, along with obtaining the necessary information for the functionality to work properly, may take some time.⁴⁵¹ However, if appointing authorities believe this would be helpful, the Secretary of State's Office should consider prioritizing this type of functionality when considering future updates to the database.⁴⁵²

Until this can occur, the Secretary of State’s Office may consider the temporary resolution it recommended, which is to send legislators pdf documents on January first and July first, or December first and June first, after contacting the Legislative Services Agency for an accurate list of legislators’ general assembly email addresses.⁴⁵³

Create a web form which appointing authorities complete to submit all required information

Additionally, the Secretary of State’s Office may consider creating a web form which appointing authorities complete to submit all required information.

Charity complaints via mobile phone

The Secretary of State’s Office may consider investigating the feasibility of creating a way for the public to contact the agency with complaints and questions about charity solicitations via their mobile phone, similar to how the Highway Patrol has the *HP to report drunk drivers. This method of communication may make it easier for the public to notify the agency and improve the effectiveness of the agency’s charity law enforcement.⁴⁵⁴

The Secretary of State’s Office states they have discussed this option with South Carolina Interactive in the past several times.⁴⁵⁵ Additionally, the agency affirms it remains on their wish list and they will continue to work to implement an application.⁴⁵⁶

Angel charity selection analysis

The Secretary of State’s office could replace agency discretion in certain phases of the angel charity selection analysis with objective criteria or list all charities that meet the existing objective criteria posted online.⁴⁵⁷ For charities selected as angel charities, the Secretary of State’s Office holds a ceremony/reception to honor them and issues a press release announcing the award.⁴⁵⁸ The agency utilizes objective criteria at the beginning of its selection process, but not during later steps in the process, as shown in Table 34.

Table 34. Phases of the Secretary of State’s Office angel selection process⁴⁵⁹

Phase 1 and 2	
Agency runs database query and sends press release requesting nominations	
Criteria for charity to qualify for next phase	
Objective	1. Program service expenditure percentage of 80% or greater for the most recently filed annual financial report.
Phase 3	
Agency reviews nominations and charities from database query	
Number of charities that qualified for this phase	
2017 - 3,317	
2018 - 3,048	
2019 - 4,042	

Criteria for charity to qualify for next phase	
Objective	2. “must have been in existence for three or more fiscal years”
Objective	3. “must be in compliance with the South Carolina Solicitation of Charitable Funds Act (properly registered and no violations within the past two years)”
Objective	4. “must rely predominantly on donor contributions rather than grant funding”
Subjective	5. “should use volunteers” “should” makes it unclear whether this is required to move to the next phase
Subjective	6. “must not have high fundraising expenses or use professional solicitors” There are no specifics as to what is and is not “high”
Subjective	7. “must have a presence in South Carolina beyond registration as a charity with the Secretary of State” There is no explanation of what “presence” means
Objective	8. “must not have been previously named an Angel”
Subjective	9. “Agency staff reviews charitable organizations from the database query and public nominations to determine if they meet all of the objective criteria for Angels, and selects candidates that represent a variety of charitable purposes and geographic areas for further review.” Unclear how many charities can qualify for each different “purpose;” unclear what agency defines as different “purposes;” unclear how many charities can qualify from each “geographic area;” unclear what “geographic areas” the agency is utilizing
Phase 4 Relates to honorary Angels (charity selected as an Angel in a prior year) and not current year Angels	
Phase 5 Agency staff present approximately 20 candidates to Secretary of State and Deputy Secretary of State	
Number of charities that qualified for this phase 2017 - 24* 2018 - 33* 2019 - 36*	

Criteria for charity to qualify for next phase	
Subjective	10. "Secretary [of State] and staff select the 10 charities to be named as Angels" Unclear what criteria is utilized to select 10 charities from the approximately 20 or more that qualified for this phase
Phase 6 Agency announces charitable organizations as Angels	
Number of charities that qualified for this phase	
2017 - 10	
2018 - 10	
2019 - 10	

Table Note: The table focuses on selection of Angel charities, not Honorary Angel charities, so all information applicable to Honorary Angels may not be included. An asterisks () indicates charities for which written notes from agency staff exist and were retained, and does not include organizations that were discussed without making notes or for which notes were not retained.*

Updating the process to ensure objective criteria are utilized during all phases of the process, and publishing it online in written form, may avoid any perception of bias in the agency's selection.⁴⁶⁰ During the oversight process, the Subcommittee did not receive any allegations of bias about selection of angel charities in prior years. However, after learning of the process, the Subcommittee seeks to help prevent any potential allegations of bias in the future. Additionally, taking the recommended steps may further validate the great honor bestowed on the charities that receive the award.

Communication about which referred cases are prosecuted to improve quality of referrals

According to the Secretary of State's Office, its staff are experts in counterfeit marks and can independently or by referral, open and investigate a case, including making undercover buys.⁴⁶¹ In the past two years, the agency referred all cases they investigated to solicitors, but have no data on the status of prosecution for the cases.⁴⁶² The Secretary of State's Office expends funds each year to investigate and refer these cases with the following costs of investigations and trademarks divisions in the last four years: \$65,544 (2015-16); \$72,395 (2016-17); \$80,364 (2017-18); and \$78,922 (2018-19).⁴⁶³ If the cases are not being prosecuted, those resources may be more effectively utilized in other endeavors.

In an effort to make the work of the Secretary of State's Office as effective as possible, the Secretary of State's Office may consider reaching out to Court Administration and the Prosecution Coordination Commission to determine a way to see which cases from the Secretary of State's Office the solicitors prosecute, and enable regular communication about why.

General Assembly

Improve communication and accountability related to boards

There are certain actions to reduce the number of vacant and expired board positions that may require the General Assembly to revise statutes. For example, how to determine when a board is inactive or has been replaced and what the Secretary of State's Office should do when that determination is made, as statutes currently provide no instruction in this area.

Also, revisions to statute may be necessary to make it clear who is responsible for ensuring information is available, accurate, and current, as well as provide consequences to hold those entities accountable.

State boards and commissions have a statutory obligation to send the Secretary of State's Office written notification of appointments, elections, resignations, and vacancies with information certain information.⁴⁶⁴ This information includes, but not limited to, the following: (a) member's name and district, circuit, seat, or position, if applicable; (b) when the member's term begins and ends; and (c) whether the member is eligible to receive compensation for his service.⁴⁶⁵ There are no consequences for state boards and commissions failing to provide the Secretary of State's Office this information.

In addition to considering consequences to add accountability, the General Assembly may consider which entity is responsible for providing the information to the Secretary of State's Office. According to the Secretary of State's Office, in practice it often receives appointment information from the appointing authority rather than the board or commission.⁴⁶⁶ The agency believes appointing authorities copying it on any appointment letters, which several appointing authorities already do, would assist in ensuring the most accurate and up-to-date information is available to the General Assembly and public.⁴⁶⁷ Requiring appointing authorities copy the Secretary of State and Comptroller General on any appointment notifications (letters, emails, etc.) as a prerequisite to the Comptroller General approving payment for per diem or any other costs associated with the board or commission member may assist as well.

While the state boards and commissions are currently responsible for providing the Secretary of State's Office information, the Secretary of State's Office also has responsibilities for providing information. The Secretary of State's Office has a statutory obligation to keep in a public record "an **up-to-date** compilation of the membership of the boards and commissions ... so that members of the General Assembly and interested citizens may be informed of the current composition of these boards and commissions."⁴⁶⁸ The compilation of information available to the public must include: "(1) length of term for each office; (2) **month and year in which terms have expired or will expire**; (3) terms which have expired; (4) vacancies; (5) body or authority which elects or appoints, as appropriate; (6) any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and (7) any additional information received from state boards or commissions as required by Section 1-1-1310."⁴⁶⁹ There is no specific requirement the Secretary of State's Office regularly communicate with the boards and commissions to ensure the agency receives up-to-date information to provide the public and General Assembly. Additionally, there is no requirement the Secretary of State's Office, confirm the accuracy of information it receives, to the extent the information is available in statute (e.g., month and year in which terms expire), or consequences for the Secretary of State's Office failing to provide the public and General Assembly accurate information.

When the Secretary of State's Office was asked if it could provide end dates for board and commission member terms since the dates are outlined in statute, instead of relying on the board or commission to

provide that information, the agency stated it does “not think [its] office is the best party to determine expiration dates,” as it believes its “role is to monitor positions, not to define their terms.”⁴⁷⁰ Additionally, the agency was not in favor due to its limited staff.⁴⁷¹

Update statutes related to railroad filings

The General Assembly may consider reviewing statutes related to railroad filings as many have not been updated since 1962.⁴⁷² A corporation that operates a railroad may have filings under the Business Corporations Act; however, railroad filings are maintained separately.⁴⁷³ These include railroad deeds and mortgages under Chapter 11 of Title 30 and corporate filings under Chapters 15 and 17 of Title 58.⁴⁷⁴ According to the Secretary of State’s Office, most of the statutes governing these filings have not been updated in at least 20 to 40 years, and it may be worth forming a study committee comprised of elected officials and stakeholders to review the statutes and propose amendments as needed.⁴⁷⁵

Increase fees for trademark and livestock brands

The General Assembly may consider reviewing statutes related to trademark and livestock brands as fees related to state trademarks have not increased in over 25 years and fees related to livestock brands have not increased in over 60 years (i.e., since initial passage of the applicable Acts in 1993 and 1952).⁴⁷⁶ The current applicable fees are as follows: (a) trademark registration fees - \$15.00 per class; (b) trademark renewal fees - \$5.00 per application; (c) trademark assignment fees - \$3.00 per application; and (d) livestock brand registration fees - \$3.00 per application.⁴⁷⁷

Update Personnel Placement Services Act

The General Assembly may want to evaluate the state’s objectives in regulating employment agencies as there have been no significant updates to the Private Personnel Placement Services Act in over 30 years.⁴⁷⁸

The Private Personnel Placement Services Act requires employment agencies obtain licenses through the Secretary of State’s Office, outlines requirements to act as an employment agency, and outlines procedures to obtain, renew, and revoke a license.⁴⁷⁹ The Act also provides enforcement provisions, including criminal penalties for violations.⁴⁸⁰

Continuing to have these laws, and house them with the Secretary of State’s Office, makes South Carolina different than other states. There are 21 states with no employment agency licensing requirements including, but not limited to, Florida, Georgia, Maryland, Kentucky, Tennessee, and Virginia.⁴⁸¹ Additionally, the majority of states that still have these types of licensing requirements house them with their Department of Labor, Department of Workforce, or Department of Commerce.⁴⁸² The Secretary of State’s Office does not object to performing the duties, but asks whether the General Assembly still wants to license employment agencies in general.⁴⁸³

If the General Assembly continues to regulate employment agencies through this act, the Secretary of State’s Office recommends considering updates. For example, some provisions of the act may no longer reflect modern business realities, such as online-based businesses and existence of limited liability companies.⁴⁸⁴ Also, there is no primary enforcement agency (currently eight are listed) nor are there detailed procedures for enforcement to meet the state’s regulatory objectives.⁴⁸⁵

CONTACT INFORMATION

Committee Contact Information

Physical:

South Carolina House of Representatives
Legislative Oversight Committee
1105 Pendleton Street, Blatt Building Room 228

Mailing:

Post Office Box 11867
Columbia, South Carolina 29211

Telephone: 803-212-6810

Online:

You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the Committee; click on the information you would like to review. Also, a direct link to Committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

Agency Contact Information

Address:

S.C. Secretary of State's Office
1205 Pendleton Street
Columbia, SC 29201

Telephone: (803) 734-2170

Online:

<https://SecretaryofState.sc.gov/>

ENDNOTES

¹ Figure 1 is compiled from information obtained during the study of the Secretary of State's Office. Secretary of State's Office, "Program Evaluation Report Submission PER Complete submission (May 3, 2019; updated January 7, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Secretary of State, Office of the," and under "Reports, Recommendations, and Implementation," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20PER%20-%20Updated%20Complete%20Submission%20\(1.17.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20PER%20-%20Updated%20Complete%20Submission%20(1.17.20).pdf) (accessed September 28, 2020). Hereinafter, "Secretary of State PER."

² Secretary of State PER. See History section.

³ Ibid.

⁴ S.C. 1776 Const. §22d.

⁵ Ibid.

⁶ S.C. 1778 Const. §29th.

⁷ Ibid.

⁸ S.C. 1790 Const. art. VI, §1.

⁹ Ibid.

¹⁰ S.C. 1861 Const. art. X, §2.

¹¹ Ibid.

¹² S.C. 1865 Const.

¹³ Ibid.

¹⁴ S.C. 1868 Const. art. III, § 21.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ S.C. Const. art. VI, §7.

¹⁸ Ibid.

¹⁹ S.C. Const. art. VI, §6. (The state seal shall be used by the Governor officially and shall be called "The Great Seal of the State of South Carolina.")

²⁰ S.C. Const. art. VI, §5.

²¹ 1967 Act No. 363.

²² 1979 Act. No. 199.

²³ 1981 Act No. 107.

²⁴ 1984 Act No. 491.

²⁵ 1988 Act No. 444.

²⁶ 1994 Act No. 384.

²⁷ 1994 Act No. 448.

²⁸ 1994 Act No. 461.

²⁹ 1996 Act No. 343.

³⁰ S.C. Code Section 1-7-117 (1996 Act No. 458, Part II, Section 28A, B).

³¹ S.C. Code Section 1-7-115 (1996 Act No. 458, Part II, Section 27A, B).

³² 1998 Act No. 368.

³³ *Ibid.*

³⁴ 2004 Act No. 221.

³⁵ 2004 Act No. 279.

³⁶ 2005 Act No. 161. The Secretary of State's Office asserts these UCC filings are often filed by sovereign citizens, which are anti-government extremists that the Federal Bureau of Investigation has deemed domestic terrorists. See, also, Secretary of State PER.

³⁷ 2006 Act No. 288.

³⁸ 2006 Act No. 387.

³⁹ 2007 Act No. 69.

⁴⁰ 2008 Act No. 210. Under the Uniform Real Property Electronic Recording Act (URPERA), an electronic document satisfies the requirement for an original document. The Secretary of State was named head of the Electronic Recording Committee, and the Secretary of State's Office was tasked with promulgating regulations to implement URPERA.

⁴¹ S.C. Code Reg. 113-300 et seq.

⁴² 2013 Act No. 11.

⁴³ 2013 Act No. 80.

⁴⁴ *Ibid.*

⁴⁵ 2013 Act No. 96.

⁴⁶ 2014 Act No. 185.

⁴⁷ 2013 Act No. 11.

⁴⁸ Secretary of State PER. See History section. (For almost 200 years, the Secretary of State's Office was primarily responsible for maintaining copies of laws, countersigning grants and commissions, and certifying the election of the Governor and Lieutenant Governor.)

⁴⁹ S.C. House of Representatives, House Legislative Oversight Committee, "Services, legal standards, and performance measures," under "Secretary of State, Office of" and under "Agency Background and Services," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/SecretaryofState.php> (accessed September 30, 2020). Note: A complete list of the agency's current services, and related statutes, is available on the Committee's website. From 1979 through 1998, the General Assembly began tasking the agency with additional duties related to licensing and regulating private employment agencies, handling business filings, regulating charitable organizations, and monitoring state boards and commissions. See, also, Secretary of State PER. See History section.

⁵⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Services with zero customers since 2016 or prior," under "Secretary of State, Office of" and under "Agency Background and Services," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Services%20with%20zero%20customers%20since%202016%20or%20before.pdf> (accessed May 13, 2020). Hereinafter, "Services with zero customers since 2016 or prior."

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ When examining financial resources available to agencies, there are differences. Some agencies appear to rely primarily on the state general fund and/or federal funding to operate because they do not, or are not permitted by law, to charge for the services they provide. For example, the Department of Corrections relies on the state general fund for more than 80% of its funding to operate. Some agencies may charge for some or all of the services they provide, but still must rely on the state general fund or federal funding. For example, the Department of Natural Resources relies approximately one-third on fees, one-third on the state general fund, and one-third on federal funds. Some agencies that, because of amounts they are authorized to charge in law, generate monies that are directed to the general fund (e.g., Secretary of State's Office).

⁵⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (September 27, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Secretary of State, Office of," and under "Meetings and Agency Presentations," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/Sept.%2027,%202019%20-%20Meeting%20Minutes.pdf> (accessed September 28, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9788>. See archived video at 1:04:41. Hereinafter, "September 27, 2019 Minutes and Video." See, also, "Secretary of State, Office of," "Overview of agency (September 27, 2019)," under "Meetings and Agency Presentations," and under "Agency presentations during meetings," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Overview%20of%20Agency%20\(Secretary%20of%20State\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Overview%20of%20Agency%20(Secretary%20of%20State).pdf) (accessed May 12, 2020). See slide 76. Hereinafter, "Overview of agency (September 27, 2019)."

⁵⁵ September 27, 2019 Minutes and Video. See archived video at 1:04:41. See, also, Overview of agency (September 27, 2019). See slide 76.

⁵⁶ *Ibid.*

⁵⁷ A complete list of all business filing fees is available at <https://businessfilings.sc.gov/businessfiling> (accessed September 28, 2020). Solicitation of Charitable Funds Act fees and fines have not increased since enactment in 1994: (a) registration fees for charitable organizations - \$50.00; (b) registration fees for professional fundraisers - \$50.00; and (c) administrative fines for violations of Solicitation of Charitable Funds Act - up to \$2,000.00 per violation. Notary public application fee (\$25) was set by 1988 Act No. 658 (General Appropriations Act, Part II, Section 3A); and notary public change in status fee (\$10) was set by 1983 Act No. 151 (General Appropriations Act, Part II, Section 8B. According to the Secretary

of State’s Office, registration fees for charities and professional fundraisers vary greatly from state to state. Some states charge no fee whereas others charge several hundred dollars per year, based on the gross revenue of the organization. For example, the agency states the Commonwealth of Massachusetts charities registration fee ranges from \$35 to \$2,000, depending on the organization’s gross revenue. Likewise, fees for professional fundraisers vary greatly, although most states that require registration charge \$100 or more. For example, the agency states North Carolina charges an annual \$200 licensing fee, while Indiana charges an initial filing fee of \$1,000 and an annual renewal fee of \$50. Information on fees and fines in other southeastern states for notary public applications and business filings is available on the Committee’s webpage. S.C. House of Representatives, House Legislative Oversight Committee, “Secretary of State response to Subcommittee (December 4, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of,” and under “Correspondence,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20letter%20to%20Subcommittee%20\(12.4.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20letter%20to%20Subcommittee%20(12.4.19).pdf) (accessed September 29, 2020). See Question 22. Hereinafter “Secretary of State response to Subcommittee (December 4, 2019).” See, also S.C. House of Representatives, House Legislative Oversight Committee “Notary public training and filing fees in S.C. and other southeastern states,” under “Secretary of State, Office of,” under “Additional Agency Details,” under “Fines, Fees, Revenues, and Costs,” and under “Notaries, Authentications, Boards and Commissions Division,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Notary%20Public%20Training%20and%20Filing%20Fees%20in%20S.C.%20and%20Other%20Southeastern%20States.pdf> (accessed May 12, 2020). See, also, S.C. House of Representatives, House Legislative Oversight Committee “Business filings and fees - common types in Southeastern states,” under “Secretary of State’s Office,” under “Additional Agency Details,” under “Fines, Fees, Revenues, and Costs,” and under “Business Filings, Information Technology, and Administration Divisions,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Business%20filings%20and%20fees%20-%20common%20types%20in%20Southeastern%20States.pdf> (accessed May 12, 2020). See, also, S.C. House of Representatives, House Legislative Oversight Committee “Uniform Commercial Code (UCC) filing fees in S.C. and other southeastern states,” under “Secretary of State, Office of,” under “Additional Agency Details,” under “Fines, Fees, Revenues, and Costs,” and under “Business Filings, Information Technology, and Administration Divisions,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Uniform%20Commercial%20Code%20\(UCC\)%20filing%20fees%20-%20C3%A2%E2%82%AC%C2%A9in%20S.C.%20and%20Other%20Southeastern%20States.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Uniform%20Commercial%20Code%20(UCC)%20filing%20fees%20-%20C3%A2%E2%82%AC%C2%A9in%20S.C.%20and%20Other%20Southeastern%20States.pdf) (accessed May 12, 2020).

⁵⁸ S.C. House of Representatives, House Legislative Oversight Committee, “Secretary of State response to Subcommittee (January 17, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of,” and under “Correspondence,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20response%20to%20Subcommittee%20with%20attachments%20\(January%202017,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20response%20to%20Subcommittee%20with%20attachments%20(January%202017,%202020).pdf) (accessed September 29, 2020). See Question 22. Hereinafter “Secretary of State response to Subcommittee (January 17, 2020).” See Question 31 (Please provide a table listing the following, separately for notary public applications and notary public change in status forms, for each of the last five years: (a) number of filings, (b) total fees collected, (c) amount that went to agency, and (d) amount that went to the general fund.)

Endnote (58) Table 1. Notary Public Applications

	Calendar Year	2015	2016	2017	2018	2019
a.	Number of filings	15,091	15,942	15,760	14,661	15,079
b.	Total fees collected	\$377,275	\$398,550	\$394,000	\$366,525	\$376,975
c.	Amount that went to SCSOS	0	0	0	0	0
d.	Amount that went to General Fund	100%	100%	100%	100%	100%

Endnote (68) Table 2. Notary Public Change in Status Forms

	Calendar Year	2015	2016	2017	2018	2019
a.	Number of filings	1,356	1403	1,798	1,894	1,965
b.	Total fees collected	\$13,560	\$14,030	\$17,980	\$18,940	\$ 19,650
c.	Amount that went to SCSOS	0	0	0	0	0
d.	Amount that went to General Fund	100%	100%	100%	100%	100%

⁵⁹ S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (June 25, 2020), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of,” and under “Meetings and Agency Presentations,” minutes will be posted after approval (accessed September 28, 2020). A video of the meeting is available at

<https://www.scstatehouse.gov/video/archives.php?key=10481>. See archived video at 4:35. Hereinafter, “June 25, 2020 Minutes and Video.” See, also, S.C. Code Section 1-5-40(A).

⁶⁰ June 25, 2020 Minutes and Video. See archived video at 4:35.

⁶¹ Secretary of State response to Subcommittee (January 17, 2020). See Question 12 (811 serving in expired terms, 473 vacant, and 1,740 filled and not expired). See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 45 (As of December 9, 2019, there were over 840 individuals with expired terms; as of December 4, 2019, there were over 450 vacant seats). See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 8 (Since the Secretary of State’s Office does not maintain historical information on vacancies and expired terms, the agency was unable to provide the Subcommittee any other information to analyze trends in expired seats and vacancies).

⁶² S.C. Senate, Senate Legislative Oversight Committee “Senate Legislative Oversight Committee Report on S.C. Secretary of State’s Office (September 2019),” under “Reports” under “Oversight Reports adopted September 18, 2019” <https://www.scstatehouse.gov/CommitteeInfo/SenateLegislativeOversightCommittee/September2019/SC%20Secretary%20of%20State's%20Office%20-%20Report.pdf> (accessed September 29, 2020). See page 9 (As of June 9, 2017, 424 vacancies and 880 serving in expired terms.)

Hereinafter, “Senate Legislative Oversight Committee Report on S.C. Secretary of State’s Office (September 2019).” See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 8 (Since the Secretary of State’s Office does not maintain historical information on vacancies and expired terms, the agency was unable to provide the Subcommittee any other information to analyze trends in expired seats and vacancies). See, also S.C. House of Representatives, House Legislative Oversight Committee, “Secretary of State response to Subcommittee (March 8, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Aeronautics Commission,” and under “Correspondence,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AeronauticsCommission/Letter%20from%20Secretary%20of%20State%20to%20Oversight%20Committee%20\(March%208,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AeronauticsCommission/Letter%20from%20Secretary%20of%20State%20to%20Oversight%20Committee%20(March%208,%202019).pdf) (accessed September 29, 2020). See Question 2 (Additionally, for those selected to board seats, the Secretary of State’s Office does not believe the law requires it to confirm the individuals meet the statutory requirements for the seats, if any exist.) Hereinafter “Secretary of State response to Subcommittee (March 8, 2019).”

⁶³ S.C. House of Representatives, House Legislative Oversight Committee, “Full Committee’s 2017 Study of the Department of Agriculture,” under “Agriculture, Department of” under “Full and Subcommittee Reports,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Agriculture/Department%20of%20Agriculture%20Full%20Committee%20Study%20with%20appendices.pdf> (accessed September 28, 2020).

⁶⁴ S.C. Code Section 63-13-1220. (State Advisory Committee on the Regulation of Child Care Facilities has 17 members, and, as of May 14, 2020, 2 were vacant and 15 expired according to information available from the Secretary of State’s website (<https://search.scsos.com/boardsandcommissions>).

⁶⁵ S.C. Code Section 44-6-170 (Data Oversight Council, as of May 14, 2020, there were 15 non-ex-officio positions, plus 2 ex-officio positions with nine vacant and two expired (between 6 months and 9 years ago) according to information available from the Secretary of State’s website (<https://search.scsos.com/boardsandcommissions>)).

⁶⁶ June 25, 2020 Minutes and Video. See archived video at 4:35.

⁶⁷ S.C. House of Representatives, House Legislative Oversight Committee, “Secretary of State response to Subcommittee (October 23, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of,” and under “Correspondence,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20letter%20to%20Subcommittee%20\(10.23.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20letter%20to%20Subcommittee%20(10.23.19).pdf) (accessed September 29, 2020). See Question 12. Hereinafter “Secretary of State response to Subcommittee (October 23, 2019).”

⁶⁸ Secretary of State response to Subcommittee (January 17, 2020). See Question 6 (According to the Secretary of State’s Office, in practice appointment information is often received from the appointing authority rather than the board or commission).

⁶⁹ S.C. Code Section 1-5-40(B). (The Secretary of State’s Office has an obligation to keep in a public record “an up-to-date compilation of the membership of the boards and commissions listed in subsection (A) and information about the memberships received from state boards and commissions pursuant to Section 1-1-1310 so that members of the General Assembly and interested citizens may be informed of the current composition of these boards and commissions.” Note: The statute was amended in 2002 to require the Secretary of State not only maintain the information, but maintain it in a public record available for inspection.) S.C. Code Section 1-1-1310. (Each state board and commission must send written notification to the Secretary of State’s Office of any appointment, election, resignation, or vacancy in the membership of its board or commission. The notification must be sent within two weeks of the appointment, election, resignation, or vacancy and must include:

- (1) the governing statute or Executive Order authorizing the appointment or election;
- (2) the board or commission’s address, phone number, fax number, and e-mail address, if any;
- (3) the member’s name;
- (4) the member’s district, circuit, seat, or position, if applicable;
- (5) when the member’s term begins and ends;
- (6) the qualifications for membership on the board or commission and any specific requirements for the member’s position;
- (7) whether the member is eligible to receive compensation for his service;
- (8) the name of the former member; and
- (9) in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent. HISTORY: 2002 Act No. 182, Section 1.)

⁷⁰ June 25, 2020 Minutes and Video. See archived video at 4:35.

⁷¹ S.C. Code Sections 44-7-180 and 44-5-50.

⁷² S.C. Code Section 1-1-1310.

⁷³ Secretary of State Office, “Search of Statewide Health Coordinating Council,” under “Searches,” under “Boards and Commissions Search,” <https://search.scsos.com/boardsandcommissions> (accessed May 2020). As of May 2020, the Secretary of State’s website noted the Statewide Health Coordinating Council has all three of its positions vacant.

Statewide Health Coordinating Council

Statutes: SC Code §44-5-50

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
At Large	Member	VACANT				<input type="checkbox"/>
At Large	Member	VACANT				<input type="checkbox"/>
At Large	Member	VACANT				<input type="checkbox"/>

Endnote (73) Figure 1. Screenshot from Secretary of State's website.

See, also, S.C. Code Section 44-5-50. (Statewide health coordinating council. The Governor shall appoint a statewide health coordinating council to perform functions in compliance with provisions of the federal act for SHCC. HISTORY: 1962 Code Section 32-505; 1968 (55) 2400; 1971 (57) 901; 1972 (57) 2382, 2392, 2616; 1979 Act No. 45. Note: The federal act requires the states to establish statewide health coordinating councils. States that such agreements between the Governors and the Secretary may at first be conditional, and when non-conditional shall be for periods of 12 months, terminable by either party. States that the Secretary must approve the administrative programs of such State agencies. Prescribes standards to be met by such administrative programs if they are to be approved, including business meetings conducted in public and annual review of the State plan. Requires State agencies to prepare and review State health plans made up of the HSPs of the health systems agencies. Provides for review of HSPs and AIPs by Statewide Health Coordinating Councils, and for reports on such to the Secretary. Requires such Councils to assist in the preparation and review of the State plans.) See, also, S.C. Code Section 44-5-40. (Development of state program; collection of statistics and other data regarding health planning and development. The state health planning and development agency shall develop, in compliance with the federal act, a state program for health planning and development for approval by the secretary. The state agency shall make statistical reports and other reports deemed essential to the determination of the level of health status of services in the State and may collect such information required by the federal act. The state agency shall coordinate with the Revenue and Fiscal Affairs Office and other agencies as appropriate in order to identify the data necessary for health planning and to develop the systems necessary to collect the data within the appropriate organizational structure. All possible efforts should be made by the state agency to use existing data systems in an effort to avoid duplication of effort. Where information necessary for health planning is collected by any person other than the state agency, such information, if requested, shall be made available to the state agency provided any reasonable mandates, guidelines or restrictions concerning confidentiality and dissemination of information which are applicable to this information as originally collected are not violated. A written explanation of how such data and reports will be used, and in what form and text the information will be disseminated, will be provided to those persons providing the information at least fifteen days prior to the general distribution of the information. The state agency shall be responsible for the functions prescribed for it by the federal act. The state agency shall consult with the Governor during the planning process in sufficient time for input and interaction prior to final consideration of the state health plan. It is the intent of this provision to have consultation and cooperation between the state agency and the Governor in the preparation and development of the state health plan. HISTORY: 1962 Code Section 32-504; 1968 (55) 2400; 1979 Act No. 45.)

⁷⁴ S.C. Code Section 44-7-180 and 44-5-50.

⁷⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Full Committee's 2017 Study of the Department of Health and Environmental Control," under "Health and Environmental Control, Department of" under "Full and Subcommittee Reports," https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Final%20Full%20Committee%20Study%2012_29.PDF (accessed May 14, 2020). See page 762 - DHEC Gap Analysis 2016-17 Part II: Mandatory Statutes.

⁷⁶ Requiring the appointing authority to provide the Secretary of State's Office information on the status of the board, and/or requiring the Secretary of State's Office to inquire about the status on a regular basis (e.g., at least every three years) as part of its duty to monitor the board, may help resolve this issue. S.C. Code Section 1-5-40(A) (The office of Secretary of State is designated as the state office whose responsibility it is to monitor positions on the state boards and commissions specified in this subsection and any elected or appointed state boards and commissions established after the effective date of this section.) See, also, Melissa Dunlap, Deputy Secretary of State and Chief Legal Counsel, Email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, March 30, 2020 (Secretary of State's Office agrees that appointing authorities should copy the Secretary of State on any appointment letter for commission or board seats but are not sure this will actually occur, even if required in statute.) Hereinafter, "March 30, 2020 email."

⁷⁷ S.C. House of Representatives, House Legislative Oversight Committee, "Searchable information on Secretary of State's website," under "Secretary of State, Office of the," under "Additional Agency Details," and under "Searchable Information and Databases," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Searchable%20Information%20on%20Secretary%20of%20State's%20Website.pdf> (accessed May 12, 2020).

⁷⁸ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (December 9, 2020), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Secretary of State, Office of," and under "Meetings and Agency Presentations," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/December%209,%202019%20-%20Meeting%20Minutes.pdf> (accessed September 28, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9791>. See archived video at 0:20:43. Hereinafter, "December 9, 2020 Minutes and Video."

⁷⁹ S.C. House of Representatives, House Legislative Oversight Committee, "Secretary of State databases," under "Secretary of State's Office," under "Additional Agency Details," and under "Searchable Information and Databases," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Secretary%20of%20Sta>

te%20Databases.pdf (accessed May 12, 2020). See Future Applications in Consideration for Development. Hereinafter, “Searchable Information and Databases.”

⁸⁰ Secretary of State response to Subcommittee (December 4, 2019). See Question 17. Note: The charities online filing system was initially launched in 2009.

⁸¹ Ibid.

⁸² Searchable Information and Databases. See Future Applications in Consideration for Development.


⁸³ Searchable Information and Databases. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 18.

⁸⁴ Searchable Information and Databases. See Future Applications in Consideration for Development.

⁸⁵ Secretary of State response to Subcommittee (January 17, 2020). See Question 57.

⁸⁶ Secretary of State response to Subcommittee (January 17, 2020). See Question 56 (Prior to this implementation of the API, EMD had one staff member handling the certification process and had registered 92 businesses in the four months following the effective date of House Bill 5299.

But when Hurricane Matthew went through South Carolina in 2016, between pre-landfall, impact, and post-landfall of the hurricane, over 1,000 businesses registered with EMD for reentry. To accommodate the increase in volume, eight additional staff members worked on certifications around the clock for nine consecutive days. The goal of the API was to remove the manual process of EMD staff performing the search with SOS, creating the certificate, and sending the certificate by mail. The API allows immediate verification of businesses and online certificate availability, reduces staff time spent on certification, and restores services to citizens more quickly. The EMD Business Reentry application automatically verifies the business is in good standing prior to allowing the end user to continue, removing the need for EMD staff to search the SOS database. It is available to users at any time and will automatically generate the certification for the user to download and print immediately, making the approval process instantaneous.)



Welcome

South Carolina State Bill 5299 authorizes businesses to register for post-disaster reentry certification. A business must be in good standing with the office of the South Carolina Secretary of State in order to be certified. The program is free and is administered by the South Carolina Emergency Management Division and South Carolina Department of Commerce. Possessing Business Reentry Certification does not prohibit local officials from denying access to an area based on life, health, or safety considerations. County and municipal governance may have separate reentry procedures. Local ordinances or policies are not usurped by the State Business Reentry Certificate. Please check with the local emergency management official in the parental county where your business resides.

Note: Only one Post-Disaster Reentry Registration Number is required for businesses with multiple office locations. The agent from your business with authority to enter into the Memorandum of Agreement with the State of South Carolina should be the person that makes the request for post-disaster reentry certification.

Register your business today!

New User?

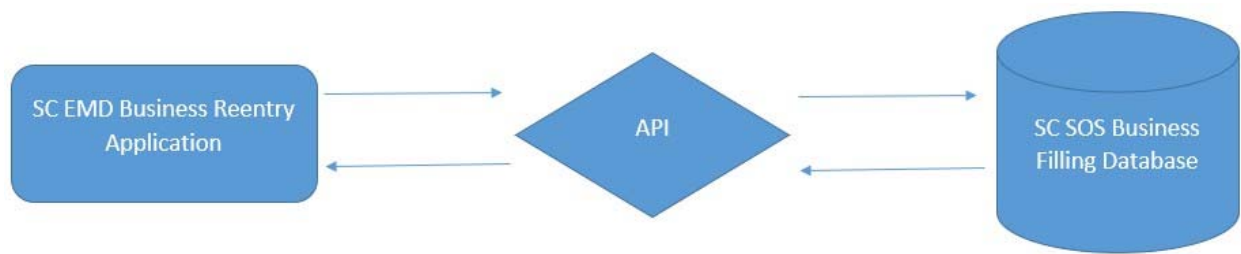
Please [register](#) for an account to begin the Re-entry process.

Returning User?

Please [proceed to login page](#).

Endnote (86) Figure 2. Screenshot from South Carolina Emergency Management Division

Under the API, credentials and request criteria are sent to the API by the Business Reentry application. The data is then returned from the SoS Business Filings database through the API and back to the application immediately, as if the data was local to EMD, without the need for EMD staff to perform manual searches. The application was developed utilizing the SCI Application Design Standards where necessary.



Endnote (86) Figure 3. Transfer of information between Secretary of State’s Office and South Carolina Emergency Management Division

⁸⁷ GoFundMe, a website through which individuals can crowdfund, defines crowdfunding as follows:

Crowdfunding harnesses the power of social networks and the internet to give people the means to raise funds, help others overcome hardship, and meet aspirational goals. With crowdfunding, you can help a friend or help an entire community. You can do everything from pay for your own surgery to fulfill a student’s dream of attending college—and so much more. <https://www.gofundme.com/c/crowdfunding> (accessed May 22, 2020).

⁸⁸ Secretary of State response to Subcommittee (January 17, 2020). See Question 34. See, also, September 27, 2019 Minutes and Video. See archived video at 01:43:21.

⁸⁹ Note: Taskforce members include:

- Secretary of State’s Office
 - Shannon Wiley, General Counsel; Kim Wickersham, Director of Public Charities;
- Attorney General’s Office
 - Mary Frances Jowers, Assistant Deputy Attorney General; Matt Gates, Deputy Attorney General;
- Together SC
 - Madeleine McGee, President; Ben Bullock, Director of Operations; Ann Timberlake, Lobbyist (Timberlake Communications);
- Blackbaud
 - Sally Erhenfried, Principal, Government Relations Cameron Stoll, Counsel and Chief Privacy Officer; Jerry Needel, President & GM, Blackbaud Customer Solutions; and Tom Sayles, Senior Director, Global Credit and AML (Anti-Money Laundering).

See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 34 (In 1997, Together SC [known then as South Carolina Association of Nonprofit Organizations [SCANPO] began operating with 67 chartered member organizations, providing regional meetings and workshops. One year later, a toll-free hotline was created to offer timely assistance to the growing membership. Over the next 20+ years, Together SC would expand our diverse network, strengthening the state’s nonprofit community and bringing together leaders from organizations who believe in Together SC’s vision to have a united, trusted, and effective nonprofit community working to enrich the lives of all South Carolinians.” under “About,” <https://www.togethersc.org/about-us> (accessed June 5, 2020). Blackbaud is the world’s leading cloud software company powering social good. Leading uniquely at the intersection point of technology and social good, we provide cloud software, services, expertise, and data intelligence that empower and connect people to drive impact for social good. We serve the entire social good community, which includes nonprofits, foundations, corporations, education institutions, healthcare institutions, and the individual change agents who support them.” under “Company,” and under “Company,” blackbaud.com/company (accessed June 5, 2020).

⁹⁰ Secretary of State response to Subcommittee (January 17, 2020). See Question 34.

⁹¹ S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (December 5, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State’s Office,” and under “Meetings,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/December%205,%202019%20-%20Meeting%20Minutes.pdf> (accessed May 19, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9873>. See archived video at 05:01:18. Hereinafter, “December 5, 2019 Minutes and Video.”

⁹² Secretary of State response to Subcommittee (January 17, 2020). See Question 34.

⁹³ Secretary of State PER. See Organizational Units Chart.

⁹⁴ December 5, 2019 Minutes and Video. See archived video at 02:10:00.

See, also, September 27, 2019 Minutes and Video. See archived video at 01:11:24.

⁹⁵ S.C. Code Sections 33-31-1420 and 33-31-1421.

⁹⁶ Secretary of State response to Subcommittee (January 17, 2020). See Question 18.

⁹⁷ March 30, 2020 email.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ Secretary of State response to Subcommittee (January 17, 2020). See Question 16.

¹⁰² *Ibid.*

¹⁰³ Secretary of State response to Subcommittee (January 17, 2020). See Question 19.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 16. See, also, March 30, 2020 email.

¹⁰⁵ S.C. Code Section 5-1-100(A).

¹⁰⁶ S.C. Code Section 5-1-100.

¹⁰⁷ March 30, 2020 email.

¹⁰⁸ S.C. Code Section 5-1-100(A).

¹⁰⁹ Secretary of State response to Subcommittee (January 17, 2020). See Question 38.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² S.C. House of Representatives, House Legislative Oversight Committee, "List of S.C. municipalities with date of incorporation and county in which located," under "Secretary of State, Office of the," under "Additional Agency Details," under "Municipalities, Special Purpose Districts, Private Personnel Placement, and Business Opportunities," and under "Municipal and Annexation Filings," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/List%20of%20S.C.%20municipalities%20with%20date%20of%20incorporation%20and%20county%20in%20which%20located.pdf> (accessed May 8, 2020). Hereinafter, "List of S.C. municipalities with date of incorporation and county in which located."

¹¹³ S.C. House of Representatives, House Legislative Oversight Committee, "Notary public application process (current and proposed)," under "Secretary of State, Office of the" under "Additional Agency Details," under "Notaries, Authentications, and Apostilles," and under "Notaries," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Notary%20public%20application%20process%20\(current%20and%20proposed\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Notary%20public%20application%20process%20(current%20and%20proposed).pdf) (accessed May 8, 2020). Hereinafter, "Notary public application process (current and proposed)." See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Notaries, boards and commissions, authentications, and apostilles (December 5, 2019)," under "Secretary of State, Office of the" under "Meetings and Agency presentations," and under "Agency presentations during meetings," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Notaries,%20boards%20and%20commissions,%20authentications,%20and%20apostilles%20presentation%20\(12.5.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Notaries,%20boards%20and%20commissions,%20authentications,%20and%20apostilles%20presentation%20(12.5.19).pdf) (accessed May 8, 2020). See slides 18-20. Hereinafter, "Notaries, boards and commissions, authentications, and apostilles (December 5, 2019)."

¹¹⁴ Ibid.

¹¹⁵ Secretary of State response to Subcommittee (January 17, 2020). See Question 27 (If legislative delegations want to remain involved in the proposed process, the Secretary of State can provide names and addresses of commissioned notaries to the delegations on a regular basis so the legislative delegation may send the notary a letter congratulating them on their appointment.)

¹¹⁶ Secretary of State PER. See Law Recommendations.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Secretary of State response to Subcommittee (January 17, 2020). See Question 56.

¹²⁰ Secretary of State response to Subcommittee (October 23, 2019). See Questions 3 - 5.

¹²¹ Civ. C. '02 Section 591. See, also, S.C. Code Section 8-3-140 (mandates the following process for approval and recordation of bonds for public officials: The bonds of all public officers of the State shall, before they are accepted or recorded, be examined by the Attorney General or by one of the solicitors, who must certify in writing upon the bond that he approves the form and execution thereof. When so examined, approved and certified the bonds of State, district or circuit officers shall be filed with the Secretary of State and shall be recorded by him, without charge, in suitable books kept by him for the purpose and when so recorded shall be filed with the State Treasurer except that the bond of the State Treasurer shall be filed with the Governor.)

¹²² Secretary of State response to Subcommittee (January 17, 2020). See Question 33.

¹²³ December 5, 2019 Minutes and Video. See archived video at 01:25:51.

¹²⁴ Ibid.

¹²⁵ Melissa Dunlap, Deputy Secretary of State and Chief Legal Counsel, interviewed by House Legislative Oversight Committee Legal Counsel, Charles Appleby, May 2020.

¹²⁶ As an example, the Secretary of State can produce a report showing individuals in expired board seats and the date each term expired. However, if someone wanted to sort this information based on date of expiration to determine which seats have individuals serving two or three years past the expiration of the term versus ten or 25 years past expiration, the Secretary of State's Office would have to create a new search/sort function or the person would have to manually search the more than 80 pages in the expired terms report. If the Secretary of State's Office had a link to download the information in an Excel chart, this determination could be made by sorting the Excel chart by the Expiration Date column, as seen in Endnote (126) Figure 3.

Search South Carolina State Boards & Commissions

Boards & Commissions Search Home

Search Boards, Commissions, and Committees
 Search Board Members, Appointment Type, or District

Please enter either Last Name, Appointment Type, or District. At least one of these search fields is required.

Last Name: First Name: City:

Appointment Type: District:
 Active Members
 Vacant Seats
 Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Raines, Matthew Grey	Small Business Regulatory Review Committee	At Large	3/30/2015	12/31/2017	<input type="checkbox"/>
Lee, Wally	Saltwater Recreational Fisheries Advisory Committee	Georgetown County	2/20/2015	6/30/2020	<input type="checkbox"/>
Davis, Sylleste H.	Governor's Nuclear Advisory Council	Representative	1/15/2019		<input checked="" type="checkbox"/>
Filler, Lilly S.	South Carolina Council on the Holocaust	At Large	7/8/2019	6/30/2019	<input type="checkbox"/>
Young, Tom Jr.	Governor's Nuclear Advisory Council	Senator	2/28/2017		<input type="checkbox"/>
Allen, April A.	South Carolina Education Oversight Committee	Business & Industry	2/17/2016		<input type="checkbox"/>
Mann, E. Coke IV	Small Business Regulatory Review Committee	At Large	1/22/2019	1/22/2021	<input type="checkbox"/>
Nix, Mark E.	Tourism Expenditure Review Committee	At Large	12/27/2013	7/1/2017	<input type="checkbox"/>
Lavespere, Michael R.	Small Business Regulatory Review Committee	At Large	3/30/2015	12/31/2017	<input type="checkbox"/>

Endnote (126) Figure 3. Expiration date column in board and commission seat search on the Secretary of State's website. Figure Note: In three of the positions in the search above the original term was four years and the individuals are in almost their seventh year (i.e., three years past expiration).

See, also, S.C. Secretary of State's Office, "Search Board members, Appointment Type, or District," under "Boards and Commissions Search," and under "Searches," https://search.scos.com/files/Web_PositionVacancyAndExpiredTerms_list.pdf (accessed May 12, 2020).

¹²⁷ Secretary of State response to Subcommittee (December 4, 2019).

¹²⁸ Secretary of State response to Subcommittee (January 17, 2020). See Question 12 (811 serving in expired terms, 473 vacant, and 1,740 filled and not expired). See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 45 (as of December 9, 2019, there were over 840 individuals with expired terms; as of December 4, 2019, there were over 450 vacant seats). See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 8 (Since the Secretary of State's Office does not maintain historical information on vacancies and expired terms, the agency was unable to provide the Subcommittee any other information to analyze trends in expired seats and vacancies).

¹²⁹ Secretary of State response to Subcommittee (January 17, 2020). See Question 8.

¹³⁰ March 30, 2020 email.

¹³¹ Ibid.

¹³² Ibid.

¹³³ S.C. Secretary of State's Office, "SC Secretary of State Mark Hammond Announces Scrooges & Angels for 2017," under "Recent News," <https://sos.sc.gov/news/2017-11/sc-secretary-state-mark-hammond-announces-scrooges-angels-2017> (accessed May 27, 2020).

¹³⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (October 28, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Secretary of State, Office of the," and under "Meetings and Agency Presentations,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/October%2028,%202019%20-%20Meeting%20Minutes.pdf> (accessed May 19, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9789>. See archived video at 01:13:32. Hereinafter, "October 28, 2019 Minutes and Video."

¹³⁵ Ibid.

¹³⁶ Ibid. See archived video at 01:15:24.

¹³⁷ During the study, the Secretary of State's Office provided feedback in stating it may be helpful for agencies if they knew of information the Committee desired during studies in advance so they could track the information. The Subcommittee makes this recommendation to help the Secretary of State's Office in preparing for the next oversight study. The agency may make any revisions to the description of deliverables that it believes is needed to track information that will be most helpful to it in analyzing its operations, but should track the applicable information (e.g., costs, number of customers served, counties in which customers served) by deliverable. Secretary of State PER. See Feedback Section, Question 24(B) (It may be helpful if the Committee could provide the framework for the PER report to agencies earlier so that they could track the information requested prior to compiling the report, or determine the best way to translate data already compiled into the categories that the Committee has requested. There seemed to be a lot of trial and error within the agency divisions in compiling and reporting the deliverables, which took a lot of time in the relatively short window that that agency had to complete the report. Although the timeframe initially given to

complete the report (45 days) would be sufficient in a vacuum, it was not adequate given the ongoing responsibilities of the agency. We sincerely appreciate the Committee granting the agency's extension request for submitting the report.

¹³⁸ Overview of agency (September 27, 2019). See slide 132.

¹³⁹ Ibid. See slide 134.

¹⁴⁰ Ibid.

¹⁴¹ Ibid. See slides 132-136 - The Secretary of State's Office states this occurs frequently with sovereign citizens. According to the Secretary of State's Office, it is a constant target of sovereign citizens and the Federal Bureau of Investigation called sovereign citizens "a growing domestic threat to law enforcement" and described one of their primary activities as "paper terrorism" (a reference of their tactic of filing fraudulent liens against persons and companies). See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 42 (In fiscal year 2018-2019, we had 50 in-person visits from sovereign citizens. From July 1, 2019, through November 22, 2019, we have received 29 in-person visits from sovereign citizens. Our records indicate that since January 1, 2019, 14 in-person visits from sovereign citizens have resulted in a request from assistance from the Bureau of Protective Services.) See, also, December 5, 2019 Minutes and Video. See archived video at 01:01:15 and at 03:44:28.

¹⁴² Overview of agency (September 27, 2019). See slide 135.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid. See slide 136.

¹⁴⁶ March 30, 2020 email.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ State Election Commission, "Program Evaluation Report Submission" which will be posted under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Election Commission," and under "Reports, Recommendations, and Implementation." See Deliverables Chart.

¹⁵⁰ Ibid.

¹⁵¹ Ibid. See Question #16.

¹⁵² Meghan Walker, State Ethics Commission Director, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, March 23, 2020.

¹⁵³ For example, if Jane Doe is a registered voter and changes her address, she must notify the State Election Commission so it can make updates to ensure she can vote for candidates that represent her new address. If she is a notary, she must also notify the Secretary of State's Office. If she has a driver's license, she must also notify the Department of Motor Vehicles. Since there are voters, notaries, and individuals with driver's licenses throughout the state, this situation applies to many individuals.

See, also, Notaries, boards and commissions, authentications, and apostilles (December 5, 2019). See slide 11 (Notary public must notify the Secretary of State's Office within 45 days of a change in the notary's name or address.)

See, also, December 5, 2019 Minutes and Video. See archived video at 03:58:33.

¹⁵⁴ Kevin A. Shwedo, Department of Motor Vehicles Director, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, March 16, 2020.

¹⁵⁵ December 5, 2019 Minutes and Video. See archived video at 00:50:42 and at 02:21:45. See, also, Secretary of State response to Subcommittee (October 23, 2019). See Questions 14 (DEW) and Question 1 (Consumer Affairs).

¹⁵⁶ Secretary of State PER. See Deliverables Chart.

¹⁵⁷ Secretary of State response to Subcommittee (October 23, 2019). See Question 9 (Does the SoS maintain a list of all municipalities on its website? If so, what additional information about each municipality is included on the SoS website? The agency does not maintain a list on the website. The agency will consider providing information on the website once the internal municipalities database is developed, if the information provided will benefit the general public. Currently, the Municipal Association of South Carolina provides information on municipalities on its website.)

¹⁵⁸ Secretary of State response to Subcommittee (January 17, 2020). See Question 39. See, also, List of S.C. municipalities with date of incorporation and county in which located.

¹⁵⁹ Secretary of State response to Subcommittee (October 23, 2019). See Question 9 (Does the SoS maintain a list of all municipalities on its website? If so, what additional information about each municipality is included on the SoS website? The agency does not maintain a list on the website. The agency will consider providing information on the website once the internal municipalities database is developed, if the information provided will benefit the general public. Currently, the Municipal Association of South Carolina provides information on municipalities on its website.)

¹⁶⁰ Secretary of State PER. See Deliverables Chart. Note: The special purpose district directory does not include a map showing the location of the special purpose districts.

¹⁶¹ December 9, 2020 Minutes and Video. See archived video at 0:16:47.

¹⁶² S.C. Revenue and Fiscal Affairs Office, "Mapping," <http://rfa.sc.gov/mapping> (accessed May 7, 2020).

¹⁶³ Secretary of State response to Subcommittee (January 17, 2020). See Question 53 (Secretary of State's Office does not oppose the recommendation).

¹⁶⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Charities and trademarks (October 28, 2019)," under "Secretary of State's Office," under "Meetings and Agency Presentations," and under "Agency presentations during meetings," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Charities%20and%20Trademarks%20presentation%20\(10.28.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Charities%20and%20Trademarks%20presentation%20(10.28.19).pdf) (accessed May 12, 2020). See slide 114. Hereinafter, "Charities and trademarks (October 28, 2019)." Secretary of State PER. See Law Change #8 on page 50, [96.2 (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.]. See, also, Secretary of State PER. See Law Change #9 on page 51 [96.3 (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any

person who is alleged to have violated the misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.)

¹⁶⁵ 2019 Act No. 91.

¹⁶⁶ Secretary of State PER. See Law Recommendations Section, Law Change #8. Note, the provisos were first added in the 2014-15 budget as proviso 95.4 and 95.5

¹⁶⁷ Secretary of State PER. See Law Recommendations Section, Law Change #8.

¹⁶⁸ Secretary of State PER. See Law Recommendations Section, Law Change #8. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 40.

¹⁶⁹ Overview of agency (September 27, 2019). See slide 137.

¹⁷⁰ Ibid. See slide 141.

¹⁷¹ Ibid. See slide 137 and 142 (19 states).

¹⁷² Ibid. See slide 141.

¹⁷³ Ibid. See slides 137 and 142.

¹⁷⁴ Ibid. See slide 142. (If the electronic and remote online notarization legislation proposed by the taskforce were to pass, the Secretary of State would have the responsibility of promulgating regulations to implement the standards and requirements for e-notarization.)

¹⁷⁵ Ibid. See slide 140.

¹⁷⁶ Note: If both are allowed, the notary would still have to watch the signor add their signature, as with current notarization. However, the document could be sent to the signor electronically (e.g., via email) and the signor could add their signature electronically (e.g., via Ipad) while the notary watched via a live camera, then the notarized document could be sent wherever needed electronically.

¹⁷⁷ Overview of agency (September 27, 2019). See slide 138.

¹⁷⁸ Ibid. See slide 139.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Secretary of State response to Subcommittee (December 4, 2019). See Question 44.

¹⁸² September 27, 2019 Minutes and Video. See archived video at 01:51:08.

¹⁸³ Ibid.

¹⁸⁴ Overview of agency (September 27, 2019). See slide 140.

¹⁸⁵ Ibid. See slide 138.

¹⁸⁶ Secretary of State response to Subcommittee (December 4, 2019). See Question 44.

¹⁸⁷ Secretary of State response to Subcommittee (January 17, 2020). See Question 28. See, also, December 5, 2019 Minutes and Video. See archived video at 04:03:18.

¹⁸⁸ Ibid.

¹⁸⁹ Secretary of State PER. See Law Recommendations Section, Law Change #2.

¹⁹⁰ Ibid.

¹⁹¹ Secretary of State PER. See Law Recommendations Section, Law Change #3.

¹⁹² Ibid.

See, also, S.C. Code Section 7-17-210(State Election Commission constitutes board) and 7-17-250(Board shall declare persons elected and decide contested or protested cases; appeals).

¹⁹³ Ibid.

¹⁹⁴ Notaries, boards and commissions, authentications, and apostilles (December 5, 2019). See, also, December 5, 2019 Minutes and Video. See archived video at 4:44:11.

¹⁹⁵ S.C. Code Section 7-17-310.

¹⁹⁶ Notaries, boards and commissions, authentications, and apostilles (December 5, 2019). See, also, December 5, 2019 Minutes and Video. See archived video at 4:44:11.

¹⁹⁷ Secretary of State response to Subcommittee (December 4, 2019). See Question 32. Note: The chair of the House Legislative Oversight Committee, a member of the Subcommittee, led efforts on the House floor to advance the passage of legislation to lift the sunset (i.e., made the motion to recall S.719 from committee on May 15, 2020.

¹⁹⁸ Ibid.

¹⁹⁹ Secretary of State response to Subcommittee (December 4, 2019). See Question 32. See, also, September 27, 2019 Minutes and Video. See archived video at 00:56:02.

²⁰⁰ September 27, 2019 Minutes and Video. See archived video at 00:56:51. See, also, October 28, 2019 Minutes and Video. See archived video at 01:44:03. See, also, Charities and trademarks (October 28, 2019). See slide 148. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 33.

²⁰¹ Secretary of State PER. See Law Recommendations Section, Law Change #1.

²⁰² Ibid.

²⁰³ Ibid. See Law Recommendations Section, Law Change #4.

²⁰⁴ Ibid.

²⁰⁵ Ibid. See Law Recommendations Section, Law Change #7.

²⁰⁶ Shannon Bobertz, Department of Natural Resources General Counsel, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, March 19, 2020.

²⁰⁷ Secretary of State PER. See Law Recommendations Section, Law Change #10.

²⁰⁸ Ibid. See, also, S.C. Code Section 33-56-50 (Organizations exempt from registration provisions; alternate filings; fundraising activities.

(A) The following are not required to file registration statements with the Secretary of State if their fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:

(1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;

(2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his use, as long as the person soliciting the contributions is not a named beneficiary;

(3) a charitable organization which (a) does not intend to solicit or receive contributions from the public in excess of twenty thousand dollars in a calendar year and (b) has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than five hundred dollars in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, within thirty days after the date the contributions exceed these amounts, the organization must register with and report to the Secretary of State as required by this chapter;

(4) an organization which solicits exclusively from its membership, including a utility cooperative;

(5) a veterans' organization which has a congressional charter; and

(6) the State, its political subdivisions, and an agency or a department of the State which are subject to the disclosure provisions of the Freedom of Information Act.

(B) The following are not required to file registration statements with the Secretary of State regardless of whether or not their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:

(1) a public school district located in the State and any public school teaching pre-K through grade twelve located within the public school district. For purposes of this chapter, the term "public school" includes any student organization within the school that does not maintain separate financial accounts or a separate federal Employer's Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school's student activity fund; and

(2) a charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, the organization shall register and report to the Secretary of State as required by this chapter within thirty days after the date the contributions exceed these amounts.

(C) A charitable organization claiming to be exempt from the registration provisions of this chapter and which solicits charitable contributions must submit annually to the Secretary of State, on forms prescribed by the Secretary of State, the name, address, and purpose of the organization and a statement setting forth the reason for the claim for exemption. If appropriate, the Secretary of State or his appropriate division shall issue a letter of exemption that may be exhibited to the public. A filing fee is not required of an exempt organization.

(D) A professional solicitor, professional fundraising counsel, or commercial coventurer conducting fundraising activities on behalf of an exempt organization must comply with the registration and filing requirements of this chapter.)

²⁰⁹ Secretary of State PER. See Law Recommendations Section, Law Change #10.

²¹⁰ Mary Frances Jowers, Assistant Deputy Attorney General, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, June 12, 2020.

²¹¹ Secretary of State PER.

²¹² December 5, 2019 Minutes and Video. See archived video at 04:57:39.

²¹³ March 30, 2020 email.

²¹⁴ Overview of agency (September 27, 2019). See slide 100.

²¹⁵ Overview of agency (September 27, 2019). See slide 100.

See, also September 27, 2019 Minutes and Video. See archived video at 01:17:06.

²¹⁶ Overview of agency (September 27, 2019). See slide 100.

²¹⁷ S.C. Code Section 2-2-10(1).

²¹⁸ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (December 5, 2018), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Secretary of State, Office of the," and under "Meetings and Agency Presentations,"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/12.05.18%20Meeting%20Minutes%20\[Full\].pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/12.05.18%20Meeting%20Minutes%20[Full].pdf) (accessed May 19, 2020). A link to the video is available at <https://www.scstatehouse.gov/video/archives.php?key=8619>.

Hereinafter, "December 5, 2018 Meeting Minutes and Video."

²¹⁹ S.C. House of representatives, House Legislative Oversight Committee, "Subcommittees -2020 (current as of September 15, 2020," under "Committee Information," under "House Legislative Oversight Committee,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittees%20-%202020.pdf> (accessed October 1, 2020).

²²⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Read a brochure about the Committee,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%20-%20updated%208.26.20.pdf> (October 1, 2020). Hereinafter, "Committee Brochure." See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Public Participation,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (October 1, 2020). Hereinafter, "House Legislative Oversight

Committee's Public Participation Opportunities." Note: there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.

²²¹ House Legislative Oversight Committee's Public Participation Opportunities.

²²² December 5, 2018 Meeting Minutes and Video.

²²³ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (August 13, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Secretary of State, Office of the," and under "Meetings and Agency Presentations,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/8.13.19%20Minutes.pdf> (accessed May 19, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9747>. Hereinafter, "August 13, 2019 Meeting Minutes and Video."

²²⁴ September 27, 2019 Minutes and Video.

²²⁵ October 28, 2019 Minutes and Video.

²²⁶ December 5, 2019 Minutes and Video.

²²⁷ December 9, 2020 Minutes and Video.

²²⁸ June 25, 2020 Minutes and Video.

²²⁹ S.C. House of Representatives, House Legislative Oversight Committee, “Committee Standard Practice 12” under “Committee Information,” under “Standard Practices,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/April%202020%20\(PDF\)%20Standard%20Practices.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/April%202020%20(PDF)%20Standard%20Practices.PDF) (October 1, 2020). Hereinafter, “Committee Standard Practice.”

²³⁰ S.C. House of Representatives, House Legislative Oversight Committee, “Secretary of the State, Office of the” under “Agency and Other Studies,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/SecretaryofState.php> (accessed May 20, 2020).

²³¹ Secretary of State PER. See History section.

²³² *Ibid.*

²³³ S.C. 1776 Const. §22.

²³⁴ *Ibid.*

²³⁵ S.C. 1778 Const. §29.

²³⁶ *Ibid.*

²³⁷ S.C. 1790 Const. art. VI, §1.

²³⁸ *Ibid.*

²³⁹ S.C. 1861 Const.

²⁴⁰ *Ibid.*

²⁴¹ S.C. 1865 Const.

²⁴² *Ibid.*

²⁴³ S.C. 1868 Const. art. III, §21.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ S.C. Const. art VI, §7.

²⁴⁷ *Ibid.* (Secretary of State is elected by the voters of the state for a four-year term)

²⁴⁸ S.C. Const. art VI, §6. (Section 6 further states that the state seal shall be used by the Governor officially and shall be called “The Great Seal of the State of South Carolina.”)

²⁴⁹ S.C. Const. art. VI, §5.

²⁵⁰ 1967 Act No. 363.

²⁵¹ 1979 Act No. 199. This is the General Appropriations Act.

²⁵² 1981 Act No. 107.

²⁵³ 1984 Act No. 491.

²⁵⁴ 1988 Act No. 444.

²⁵⁵ 1994 Act No. 384.

²⁵⁶ 1994 Act No. 448.

²⁵⁷ 1994 Act No. 461.

²⁵⁸ 1996 Act No. 343.

²⁵⁹ S.C. Code Section 1-7-117 (1996 Act No. 458, Part II, Section 28A, B).

²⁶⁰ S.C. Code Section 1-7-115 (1996 Act No. 458, Part II, Section 27A, B).

²⁶¹ 1998 Act No. 368.

²⁶² *Ibid.*

²⁶³ 2004 Act No. 22.1

²⁶⁴ 2004 Act No. 279.

²⁶⁵ 2005 Act No. 161. The Secretary of State’s Office asserts these UCC filings are often filed by sovereign citizens, which are anti-government extremists that the Federal Bureau of Investigation has deemed domestic terrorists. Secretary of State PER.

²⁶⁶ 2006 Act No. 288.

²⁶⁷ 2006 Act No. 387.

²⁶⁸ 2007 Act No. 69.

²⁶⁹ 2008 Act No. 210. Under URPERA, an electronic document satisfies the requirement for an original document. The Secretary of State was named as head of the Electronic Recording Committee, and the Secretary of State’s Office was tasked with promulgating regulations to implement URPERA.

²⁷⁰ 2013 Act No. 11.

²⁷¹ 2013 Act No. 80.

²⁷² *Ibid.*

²⁷³ 2013 Act No. 96.

²⁷⁴ 2014 Act No. 185.

²⁷⁵ S.C. House of Representatives, House Legislative Oversight Committee, “2018-19 Agency Accountability Report,” <https://www.scstatehouse.gov/reports/aar2019/E080.pdf> (October 1, 2020). See agency mission paragraph. Hereinafter, “2018-19 Agency Accountability Report.”

²⁷⁶ Secretary of State PER. See Laws Chart.

²⁷⁷ 2018-19 Agency Accountability Report.

²⁷⁸ 2018-19 Agency Accountability Report.

²⁷⁹ Secretary of State PER. See Agency Legal Directives, Plan & Resources, Question #2.

²⁸⁰ Secretary of State PER. See question 18.

²⁸¹ Secretary of State PER. See Organizational Units Excel Table.

²⁸² Secretary of State PER.

²⁸³ Ibid.

²⁸⁴ Secretary of State PER. See Performance Measures Chart.

²⁸⁵ Secretary of State PER. See Governing Body, Organizational Chart & Related Entities, Portion C.

²⁸⁶ S.C. Code Section 1-30-10.

²⁸⁷ S.C. House of Representatives, House Legislative Oversight Committee, "2016 Annual Restructuring Report," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Secretary%20of%20State.PDF> (October 1, 2020).

²⁸⁸ S.C. House of Representatives, House Legislative Oversight Committee, "2015-16 Agency Accountability Report," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (October 1, 2020).

²⁸⁹ Ibid.

²⁹⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Extension request and approval (15 business days)," under "Secretary of State, Office of the," under "Reports, Recommendations, and Implementation," and under "Agency Program Evaluation Report," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20-%20Request%20granted.pdf> (accessed May 19, 2020).

²⁹¹ Committee Brochure. See, also, House Legislative Oversight Committee's Public Participation Opportunities.

²⁹² House Legislative Oversight Committee's Public Participation Opportunities.

²⁹³ S.C. House of Representatives, House Legislative Oversight Committee, "Press Release announcing Public Survey (February 27, 2019)," under "Secretary of State, Office of the," under "Public Input" <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/March%202019%20-%20Press%20Release.PDF> (accessed October 1, 2020). Hereinafter, "Press Release announcing Public Survey."

²⁹⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Responses to public survey (open February 27-April 1, 2019)" under "Secretary of State, Office of the," under "Public Input" [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Survey%20Results%200\(Febuary%2027%20-%20April%201,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Survey%20Results%200(Febuary%2027%20-%20April%201,%202019).pdf) (accessed October 1, 2020). Hereinafter, "Responses to public survey (open February 27-April 1, 2019)."

²⁹⁵ Committee Standard Practice 10.4.

²⁹⁶ Press Release announcing Public Survey.

²⁹⁷ House Legislative Oversight Committee's Public Participation Opportunities.

²⁹⁸ Responses to public survey (open February 27-April 1, 2019).

²⁹⁹ Ibid.

³⁰⁰ Note: Committee Standard Practice 10.4.5 allows for the redaction of profanity and any known references to minors or vulnerable adults.

³⁰¹ Note: The chair of either the Committee or Subcommittee has the discretion to allow testimony during meetings.

³⁰² S.C. House of Representatives, House Legislative Oversight Committee, "Press Release Inviting the Public to Provide Testimony (July 26, 2019)," under "Secretary of State, Office of the," and under "Public Input," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Press%20Release%200-%20Inviting%20the%20Public%20to%20Provide%20Testimony%20\(July%2026,%202019\).PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AlcoholDrugAbuse/Press%20Release%200-%20Inviting%20the%20Public%20to%20Provide%20Testimony%20(July%2026,%202019).PDF) (accessed October 1, 2020).

³⁰³ August 13, 2019 Meeting Minutes and Video.

³⁰⁴ Services with zero customers since 2016 or prior.

³⁰⁵ Note: The Secretary of State's Office further explains - "In reviewing the statutory requirements during the House Legislative Oversight, the agency has determined that it can comply with the statutory requirements through the Business Filings system and not have a separate deliverable for this code section. Section 37-17-40 requires these organizations to have a certificate of existence and good standing through our agency in order to register with the Department of Consumer Affairs."

³⁰⁶ Secretary of State's Office further explains - "In reviewing the list of current distributors on file with the Department of Labor, Licensing and Regulation, it is clear that the level of compliance with this statutory requirement is poor. However, some of the distributors have certificates of authority to transact business with the Business Filings Division, and therefore have a registered agent on file. If a distributor does not have a certificate of authority and has not filed a registered agent designation under Section 40-43- 83(B), then the Secretary of State serves as the distributor's registered agent."

³⁰⁷ Secretary of State response to Subcommittee (January 17, 2020). See Question 56.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

³¹¹ S.C. Code Section 1-5-40(B).

³¹² Note: The statute hyperlinked may or may not be the statute that includes the length of term for each board member.

³¹³ June 25, 2020 Minutes and Video. See archived video at 4:35.

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ S.C. Code Section 1-5-40(C).

³¹⁹ June 25, 2020 Minutes and Video. See archived video at 4:35.

³²⁰ S.C. Code Section 13-17-40 (S.C. Research Authority - A trustee may not receive a salary for his services as a trustee; however, a trustee must be reimbursed for actual expenses incurred in service to the authority).

³²¹ S.C. Code Section 59-47-20 (Board of Commissioners of the S.C. School for the Deaf and the Blind - The board shall receive no compensation for its services. It shall be allowed actual expenses, to be paid by the superintendent of the school).

³²² S.C. Code Section 6-9-63 (Building Codes Council).

³²³ S.C. Code Section 24-21-12 (Board of Probation, Parole, and Pardon - The members of the board shall draw no salaries, but each member shall be entitled to such per diem as may be authorized by law for boards, commissions, and committees, plus actual and necessary expenses incurred pursuant to the discharge of official duties. - last updated 1993).

³²⁴ S.C. Code Section 58-3-70 (Public Service Commission - The chairman and members of the commission shall receive annual salaries payable in the same manner as the salaries of other state officers are paid. Each commissioner must devote full time to his duties as a commissioner and must not engage in any other employment, business, profession, or vocation during the normal business hours of the commission.).

³²⁵ S.C. Code Section 63-19-650 (Members of the Board of Juvenile Parole shall receive compensation in an amount provided by the General Assembly in the annual general appropriations act).

³²⁶ S.C. Code Section 11-9-1110 (Board of Economic Advisors - Chairman receives \$10,000/year; each of the other two members receive \$8,000/year).

³²⁷ For example, there are no qualifications required to serve as a member of the Board of Economic Advisors which is the, "official voice of the State in economic matters" and makes a "forecast of economic conditions in the State and state revenues," for consideration in setting the state budget, and receives an annual salary of \$8,000 - \$10,000. S.C. Code Sections 11-9-1110 (Chairman receives \$10,000/year; each of the other two members receive \$8,000/year), 11-9-1120, and 11-9-1130.

³²⁸ S.C. Code Section 63-19-610 (Juvenile Parole Board).

³²⁹ S.C. Code Section 48-59-40 (Conservation Bank).

³³⁰ S.C. Code Section 58-3-20 (Public Service Commission)

³³¹ S.C. Code Section 13-1-1020 (Aeronautics Commission); S.C. Code Section 1-31-10 (Commission for Minority Affairs).

³³² S.C. Code Section 11-50-50 (Rural Infrastructure Authority).

³³³ S.C. Code Section 25-21-20 (Board of Trustees for the Veterans' Trust Fund).

³³⁴ S.C. Code Section 38-79-430 (Patients' Compensation Fund Board of Governors).

³³⁵ S.C. Code Section 9-16-315 (Retirement System Investment Commission).

³³⁶ S.C. Code Section 9-16-315 (Retirement System Investment Commission).

³³⁷ S.C. Code Section 54-3-60 (State Ports Authority).

³³⁸ S.C. Code Section 48-23-10 (Forestry Commission).

³³⁹ S.C. Code Section 44-6-170 (Data Oversight Council).

³⁴⁰ S.C. Code Section 2-15-10 (Legislative Audit Council).

³⁴¹ S.C. Code Section 40-2-10 (Board of Accountancy).

³⁴² S.C. Code Section 9-16-315 (Retirement System Investment Commission).

³⁴³ S.C. Code Section 7-3-310(B)(2) (S.C. Commission on Indigent Defense).

³⁴⁴ S.C. Code Section 23-23-30 (Law Enforcement Training Council).

³⁴⁵ S.C. Code Section 6-9-63 (Building Codes Council).

³⁴⁶ S.C. Code Section 58-3-24 (Public Service Commission).

³⁴⁷ S.C. Code Section 7-3-10 (State Election Commission).

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Secretary of State response to Subcommittee (October 23, 2019). See Question 13 (Is the agency able to sort data about boards, commissions, special purpose districts, or other appointed positions by whether there are minimum qualifications to serve in the position? No. People inquiring about qualifications to serve may obtain information by following the link to the statute that the Secretary of State provides for each state board and commission listed in the Boards and Commissions database.)

³⁵¹ Secretary of State letter to Subcommittee (March 8, 2019). See Question 2.

³⁵² For example, the different positions on the Agriculture Commission expire in January, February, March, May, June, September, October, and December.

³⁵³ S.C. Code Section 60-17-10 (Confederate Relic Room).

³⁵⁴ S.C. Code Section 8-11-160 (Agency Head Salary Commission). See, also, S.C. Code Section 11-50-50 (Rural Infrastructure Authority Board of directors; terms; vacancies; compensation)

³⁵⁵ S.C. Code Section 40-57-40 (S.C. Real Estate Commission).

³⁵⁶ S.C. Code Section 44-1-130 (Individuals representing counties that do not have local boards of health).

³⁵⁷ For examples of positions elected by a legislative judicial circuit delegation, see S.C. Code Section 46-5-10 (Agriculture Commission) and S.C. Code Section 59-5-10 (State Board of Education).

³⁵⁸ For examples of positions elected by entire General Assembly, see S.C. Code Section 37-6-502 (Commission on Consumer Affairs); S.C. Code Section 58-3-20 (Public Service Commission); and S.C. Code Section 59-51-30 (Wil Lou Gray Opportunity School).

³⁵⁹ S.C. Code Section 44-20-210 (Disabilities and Special Needs Board).

³⁶⁰ S.C. Code Section 59-53-10 (State Board for Technical and Comprehensive Education); S.C. Code Section 59-103-10 (Commission on Higher Education).

³⁶¹ S.C. Code Section 43-3-10 (County boards of social services). See, also, S.C. Code Section 51-13-610 (Pee Dee Tourism Commission). See, also, S.C. Code Section 51-13-1110 (Old Ninety Six Tourism Commission).

³⁶² S.C. Code Section 51-13-720 (Patriot's Point Development Authority).

³⁶³ Ibid.

³⁶⁴ S.C. Code Section 6-9-63 (Building Codes Council - residential home builder licensed in South Carolina from a list of qualified candidates submitted to the Governor by the Home Builders Association of South Carolina; general contractor licensed in South Carolina from a list of qualified candidates submitted to the Governor by the Association of General Contractors; etc.). See, also, S.C. Code Section 7-3-310(B)(2) (S.C. Commission on Indigent Defense).

³⁶⁵ S.C. Code Section 11-35-4410 (Procurement Review Panel). See, also, S.C. Code Section 51-13-720 (Patriots Point Development Authority). See, also, S.C. Code Section 60-13-10 (State Museum).

³⁶⁶ S.C. Code Section 60-11-110. (South Carolina African-American Heritage Commission appointed by the Department of Archives and History).

³⁶⁷ S.C. Code Section 48-33-50 (County Forestry boards appointed by State Commission of Forestry on recommendation of a majority of county legislative delegation).

³⁶⁸ S.C. Code Section 17-3-310(B) and (C) (Commission on Indigent Defense).

³⁶⁹ S.C. Code Section 40-5-210 (State Board of Law Examiners); S.C. Appellate Court Rules - Rule 402 (Committee on Character and Fitness).

³⁷⁰ S.C. Code Section 11-55-10(A) (State Fiscal Accountability Authority).

³⁷¹ S.C. Code Section 23-23-30 (Law Enforcement Training Council); S.C. Code Section 59-48-20 (Governor's School for Science and Mathematics).

³⁷² S.C. Code Section 48-45-50 (Sea Grant Consortium); S.C. Code Section 48-23-10 (Forestry Commission).

³⁷³ S.C. Revenue and Fiscal Affairs Office, "U.S. Congressional," under "Mapping," under "District Maps," and under "Statewide Maps," http://rfa.sc.gov/files/H3992_statewide.pdf (accessed May 21, 2020).

³⁷⁴ S.C. Revenue and Fiscal Affairs Office, "S.C. House Districts," under "Mapping," under "District Maps," and under "Statewide Maps," http://rfa.sc.gov/files/H3991_statewide.pdf (accessed May 21, 2020).

³⁷⁵ S.C. Judicial Branch <https://www.sccourts.org/circuitCourt/circuitMap.cfm> (accessed September 25, 2020).

³⁷⁶ S.C. Revenue and Fiscal Affairs Office, "S.C. Senate Districts," under "Mapping," under "District Maps," and under "Statewide Maps," http://rfa.sc.gov/files/S815_statewide.pdf (accessed May 21, 2020).

³⁷⁷ S.C. Code of Laws Section 1-1-1310 (Each state board and commission must send written notification to the Secretary of State's Office of any appointment, election, resignation, or vacancy in the membership of its board or commission. The notification must be sent within two weeks of the appointment, election, resignation, or vacancy and must include:
(1) the governing statute or Executive Order authorizing the appointment or election;
(2) the board or commission's address, phone number, fax number, and e-mail address, if any;
(3) the member's name;
(4) the member's district, circuit, seat, or position, if applicable;
(5) when the member's term begins and ends;
(6) the qualifications for membership on the board or commission and any specific requirements for the member's position;
(7) whether the member is eligible to receive compensation for his service;
(8) the name of the former member; and
(9) in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent. HISTORY: 2002 Act No. 182, Section 1).

³⁷⁸ S.C. Code Section 1-5-40(A).

³⁷⁹ S.C. Code Section 1-5-40(B) (This compilation must include: (1) length of term for each office; (2) the month and year in which terms have expired or will expire; (3) terms which have expired; (4) vacancies; (5) the body or authority which elects or appoints, as appropriate; (6) any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and (7) any additional information received from state boards or commissions as required by Section 1-1-1310.) Note, the statute was amended in 2002 to require the Secretary of State not only maintain the information, but maintain it in a public record available for inspection. See, also, S.C. Code of Laws Section 1-1-1310.

³⁸⁰ S.C. Code Section 1-5-40(B).

³⁸¹ S.C. Code Section 1-1-1310; S.C. Code Section 1-5-40(B).

³⁸² S.C. Code Section 24-21-10 (Board of Probation, Parole and Pardon Initial Training - (D) Within ninety days of a parole board member's appointment by the Governor and confirmation by the Senate, the board member must complete a comprehensive training course developed by the department using training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association. This training course must include classes regarding the following: (1) the elements of the decision making process, through the use of evidence-based practices for determining offender risk, needs and motivations to change, including the actuarial assessment tool that is used by the parole agent; (2) security classifications as established by the Department of Corrections; (3) programming and disciplinary processes and the department's supervision, case planning, and violation process; (4) the dynamics of criminal victimization; and (5) collaboration with corrections related stakeholders, both public and private, to increase offender success and public safety. The department must promulgate regulations setting forth the minimum number of hours of training required for the board members and the specific requirements of the course that the members must complete. Annual Training - (E)(1) Each parole board member is also required to complete a minimum of eight hours of training annually, which shall be provided for in the department's annual budget. This annual training course must be developed using the training components consistent with those offered by the National Institute of Corrections or American Probation and Parole Association and must offer classes regarding: (a) a review and analysis of the effectiveness of the assessment tool used by the parole agents; (b) a review of the department's progress toward public safety goals; (c) the use of data in decision making; and (d) any information regarding promising and evidence-based practices offered in the corrections related and crime victim dynamics field. The department must promulgate regulations setting forth the specific criteria for the course that the members must complete. (2) If a parole board member does not fulfill the training as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the parole board member an extension to complete the training, based upon exceptional circumstances.)

³⁸³ S.C. House of Representatives, House Legislative Oversight Committee, "Full Committee's 2018 Study of the Commission on Indigent Defense," under "Indigent Defense, Commission on" under "Full and Subcommittee Reports," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/Full%20Committee%20Study%20Report%20-%20SCCID%20\(Final\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/Full%20Committee%20Study%20Report%20-%20SCCID%20(Final).pdf) (accessed September 28, 2020). See Recommendation one (This recommendation is that the General Assembly require board members from all agencies to affirm acknowledgement of their duties in writing. H.4075 from the 123rd General Assembly (2018-2020) would have implemented this recommendation.

³⁸⁴ S.C. Code Section 40-5-210.

³⁸⁵ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 15, 2020). As of May 2020 information from the Secretary of State's website noted most of the positions on the State Board of Law Examiners were serving in expired terms.

State Board of Law Examiners

Statutes: SC Code §40-5-210

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
At Large	Member	Trapp, C. Frances Esquire	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Rothstein, David E. Esquire	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Morgan, Deborah Paris Esq.	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Hoefler, Frederick A. II	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	Golding, Henrietta U.	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	Patterson, Jacqueline Hiatt Esquire	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Padgett, James "Trip" III Esquire	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Aldrich, Jennifer J.	Supreme Court	1/1/2011	1/1/2015	<input type="checkbox"/>
At Large	Member	Meredith, Lena Younts Esq.	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Sieffert, Marion P. Esquire	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Hobbs, Nancy Thornton	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Bobertz, Shannon Furr Esq.	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Laney, Shelton Sterling III	Supreme Court	2/13/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	McCrae, Stephen R. Jr.	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	Snow, Stuart W. Esq.	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Pope, Thomas H. III	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	Tindal, William C. Esq.	Supreme Court	11/17/2010	1/1/2014	<input type="checkbox"/>
At Large	Member	Nichols, John Shannon	Supreme Court	1/1/2013	1/1/2016	<input type="checkbox"/>
At Large	Member	Ballou, Daniel J. Esq.	Supreme Court	1/1/2014	1/1/2017	<input type="checkbox"/>
At Large	Member	Newman, Jocelyn Thraine	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>
At Large	Member	Timbes, Michael A. Esq.	Supreme Court	1/1/2012	1/1/2015	<input type="checkbox"/>

Endnote (385) Figure 4. Screenshot from Secretary of State's website

³⁸⁶ Note: While the State Board of Law Examiners currently shows all 21 positions as expired, this may be the same Board as the Committee on Character and Fitness. The Secretary of State's Office should communicate with the Supreme Court to make this determination. See, also, S.C. Code Section 40-5-210 (State Board of Law Examiners).

There is hereby created a State Board of Law Examiners. The Board of Law Examiners shall be appointed by the Supreme Court and shall have such duties as the court shall prescribe. The number of members of the board and the terms of the members shall be set by the Supreme Court. To be eligible for appointment to the board, a person must be actively engaged in the practice of law in South Carolina and must have been an active member of the South Carolina Bar for at least seven years. Members shall be eligible for reappointment. Should a vacancy occur, the court shall fill the vacancy for the unexpired term. At least one member from each congressional district must be appointed by the Supreme Court. HISTORY: 1962 Code Section 56-111; 1952 Code Section 56-111; 1942 Code Section 314; 1932 Code Section 314; Civ. P. '22 Section 270; Civ. C. '12 Section 3910; 1910 (26) 750; 1969 (56) 49; 2002 Act No. 307, Section 1.) See, also, S.C. Appellate Court Rules - Rule 402. Admission to Practice Law (k) Board of Law Examiners.

(1) Members. The Board of Law Examiners shall consist of members of the South Carolina Bar who are actively engaged in the practice of law in South Carolina and who have been members of the South Carolina Bar for at least seven (7) years. Members of the bar who are inactive members, judicial members, military members, administrative law judge or workers' compensation commission members, retired members, or limited members shall not be appointed to the Board. The Board members shall be appointed by the Supreme Court for three (3) year terms and shall be eligible for reappointment. At least one member shall be appointed from each Congressional District. In case of a vacancy on the Board, the Supreme Court shall appoint a member of the South Carolina Bar to serve the remainder of the unexpired term.

(2) Chair; Secretary. The Supreme Court shall appoint a chair from among the members of the Board of Law Examiners. The Clerk of the Supreme Court shall serve as secretary of the Board ex officio.

(3) Duties. The Board of Law Examiners shall conduct the Uniform Bar Examination (UBE) in South Carolina. The Board shall be responsible for grading the Multistate Performance Test (MPT) and the Multistate Essay Examination (MEE) portions of the examination. The Board shall develop a Course of Study on South Carolina Law that an applicant must successfully complete prior to being admitted under this rule. The content and method of delivery of this Course of Study shall be determined by the Board. The Board may promulgate rules and regulations

including those relating to the accommodation of applicants with disabilities. These rules and regulations shall not become effective until at least ninety (90) days after they are approved by the Supreme Court.)

Committee on Character and Fitness

Statutes: SC Code §Rule 402(b), SCACR

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Attorney	Member	Smith, Albert V.	Supreme Court	2/23/2012	3/1/2017	<input type="checkbox"/>
Attorney	Member	Gipson, Byron E.	Supreme Court	12/16/2009	3/1/2014	<input type="checkbox"/>
Attorney	Member	Jackson, Connie P.	Supreme Court	12/16/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Tedeschi, Debra S.	Supreme Court	2/23/2012	3/1/2017	<input type="checkbox"/>
Attorney	Member	Shealy, Kirby D. III	Supreme Court	12/16/2009	3/1/2014	<input type="checkbox"/>
Attorney	Member	Applegate, Lydia B.	Supreme Court	1/21/2011	3/1/2016	<input type="checkbox"/>
Attorney	Member	Kappel, Matthew J.	Supreme Court	12/16/2009	3/1/2013	<input type="checkbox"/>
Attorney	Member	Hite, Thomas E. Jr.	Supreme Court	12/1/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Olmert, Travis V.	Supreme Court	12/16/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Wall, Susan T.	Supreme Court	1/21/2011	3/1/2016	<input type="checkbox"/>
Attorney	Member	VACANT				<input type="checkbox"/>
Attorney	Member	VACANT				<input type="checkbox"/>

Endnote (386) Figure 5. Screenshot from Secretary of State’s website

³⁸⁷ S.C. Code Section 6-19-30.

³⁸⁸ S.C. Secretary of State’s Office, “Search South Carolina State Boards and Commissions,” under “Searches,”

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State’s website noted the Rural Infrastructure Authority Board of Directors has four expired (2014 through 2019). It also notes all positions on the Rural Water and Sewer Act Advisory Committee are vacant. See, also, S.C. Code Section 11-50-20 (Legislative findings. The General Assembly finds that:(1) Adequate infrastructure facilities are an essential element in promoting economic growth and development that will provide jobs for the citizens of South Carolina.

(2) Traditional infrastructure financing methods in South Carolina cannot generate the resources necessary to fund the cost of rural infrastructure which are required for economic development.

(3) The State of South Carolina has the ability to provide for alternative methods of financing rural infrastructure which when combined with existing financing sources and methods will allow the State to address its rural infrastructure needs in a more timely and responsive manner.

(4) Loans and other financial assistance to municipalities, counties, special purpose and public service districts, and public works commissions can play an important part in meeting rural infrastructure needs. This assistance is in the public interest for the public benefit and good as a matter of legislative intent.

(5) The chapter provides an instrumentality to assist municipalities, counties, special purpose and public service districts, and public works commissions in constructing and improving rural infrastructure by providing loans and other financial assistance. HISTORY: 2010 Act No. 171, Section 1, eff May 26, 2010.). See, also, S.C. Code Section 11-50-30 (South Carolina Rural Infrastructure Authority; creation; governance; purpose; fund.

(A) There is created a body corporate and politic and an instrumentality of the State to be known as the South Carolina Rural Infrastructure Authority.

(B) The authority is governed by a board of directors as provided in this chapter.

(C) The corporate purpose of the authority is to select and assist in financing qualified rural infrastructure by providing loans and other financial assistance to municipalities, counties, special purpose and public service districts, and public works commissions for constructing and improving rural infrastructure facilities. The exercise by the authority of a power conferred in this chapter is an essential public function.

(D) The authority shall establish and maintain the South Carolina Rural Infrastructure Fund into which monies for the purposes of the authority must be deposited. HISTORY: 2010 Act No. 171, Section 1, eff May 26, 2010.)

See, also, S.C. Code Section 11-50-60 (Powers of authority. In addition to the powers contained elsewhere in this chapter, the authority has all power necessary, useful, or appropriate to fund, operate, and administer the authority, and to perform its other functions including, but not limited to, the power to:

(1) have perpetual succession;

(2) adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in this chapter for the administration of the authority’s affairs and the implementation of its functions including the right of the board to select qualifying projects and to provide loans and other financial assistance;

(3) sue and be sued in its own name;

(4) have a seal and alter it at its pleasure, although the failure to affix the seal does not affect the validity of an instrument executed on behalf of the authority;

-
- (5) make loans to qualified borrowers to finance the eligible costs of qualified projects and to acquire, hold, and sell loan obligations at prices and in a manner as the board determines advisable;
 - (6) provide qualified borrowers with other financial assistance necessary to defray eligible costs of a qualified project;
 - (7) enter into contracts, arrangements, and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to the exercise of the powers granted in this chapter;
 - (8) enter into agreements with eligible entities of this State for the purpose of planning and providing for the financing of qualified projects;
 - (9) establish policies and procedures for the making and administering of loans and other financial assistance, and establish fiscal controls and accounting procedures to ensure proper accounting and reporting by the authority and eligible entities;
 - (10) acquire by purchase, lease, donation, or other lawful means and sell, convey, pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets of every kind and character or any interest in it to further the public purpose of the authority;
 - (11) procure insurance, guarantees, letters of credit, and other forms of collateral or security or credit support from any public or private entity, including any department, agency, or instrumentality of this State, for the payment of any bonds issued by it, including the power to pay premiums or fees on any insurance, guarantees, letters of credit, and other forms of collateral or security or credit support;
 - (12) collect or authorize the trustee under any trust indenture securing any bonds to collect amounts due under any loan obligations owned by it, including taking the action required to obtain payment of any sums in default;
 - (13) unless restricted under any agreement with holders of bonds, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any loan obligations owned by it;
 - (14) borrow money through the issuance of bonds and other forms of indebtedness as provided in this chapter;
 - (15) expend funds to obtain accounting, management, legal, financial consulting, and other professional services necessary to the operations of the authority;
 - (16) expend funds credited to the authority as the board determines necessary for the costs of administering the operations of the authority;
 - (17) establish advisory committees as the board determines appropriate, which may include individuals from the private sector with banking and financial expertise;
 - (18) procure insurance against losses in connection with its property, assets, or activities including insurance against liability for its acts or the acts of its employees or agents or to establish cash reserves to enable it to act as a self-insurer against any and all such losses;
 - (19) collect fees and charges in connection with its loans or other financial assistance;
 - (20) apply for, receive and accept from any source, aid, grants, and contributions of money, property, labor, or other things of value to be used to carry out the purposes of this chapter subject to the conditions upon which the aid, grants, or contributions are made;
 - (21) enter into contracts or agreements for the servicing and processing of financial agreements; and
 - (22) do all other things necessary or convenient to exercise powers granted or reasonably implied by this chapter. HISTORY: 2010 Act No. 171, Section 1, eff May 26, 2010; 2014 Act No. 195 (S.812), Section 2, eff June 2, 2014.)

See, also, S.C. Code Section 6-19-30 (Source of funds; administration of grants; appointment and duties of advisory committee. The fund for such grants must be from either revenue-sharing trust funds or from general appropriations to the Department of Health and Environmental Control, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition an employee of the Department of Health and Environmental Control, designated by the commissioner thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974. HISTORY: 1962 Code Section 59-133; 1974 (58) 2280; 1975 (59) 745; 2012 Act No. 279, Section 4, eff June 26, 2012.) See, also, S.C. Code Section 6-19-35 (Utilization of funds; advisory committee responsibility. The objective of the South Carolina Rural Water and Sewer Act is to assure that the financing available for rural area facilities is fully utilized by communities, authorities or districts in accordance with State guidelines and sound local priorities. Consistent with this objective the act shall consist of but not be limited to the following criteria:

- (1) The advisory committee will be responsible for coordinating the activities of the Federal and State agencies and for working with State, regional and local planning agencies to develop the necessary area plans and priority listings. To the extent feasible, the State coordination program will be utilized to foster consolidated approaches to the delivery of water and waste disposal services and other common policies among existing agencies that will lead to improved and expanded service. State government funds will be applied when necessary to assist projects not eligible for supplementary assistance from other sources.
- (2) The Department of Health and Environmental Control may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act. HISTORY: 1975 Act No. 286, Section 8.) See, also, S.C. Code Section 6-19-40 (Applications for grants; rules for consideration and approval.
 - (a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of Health and Environmental Control. The Department of Health and Environmental Control, on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all State grant requests appropriated under this chapter, which shall generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:
 - (1) Preliminary engineering costs study;
 - (2) Bonded indebtedness of the district, authority or community;

- (3) Financial conditions of the district, authority or community;
- (4) Costs per connection;
- (5) Economic level in the district, area or community;
- (6) Ratio of contracted users to potential users which shall not be less than sixty-seven percent;
- (7) Conformity to overall State, regional or local plans;
- (8) Operation and maintenance costs identified and proper replacement costs;
- (9) Amount of connection charges and minimum user charges; and
- (10) Sustaining costs of rural water and sewer systems.

(b) No funds shall be dispensed until the applicant furnishes evidence of a commitment from the primary financial source. HISTORY: 1962 Code Section 59-134; 1974 (58) 2280; 1975 (59) 745.)

South Carolina Rural Water and Sewer Act Advisory Committee

Statutes: SC Code §6-19-30 to -35

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	VACANT				<input type="checkbox"/>
2nd Congressional District	Member	VACANT				<input type="checkbox"/>
3rd Congressional District	Member	VACANT				<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	VACANT				<input type="checkbox"/>
6th Congressional District	Member	VACANT				<input type="checkbox"/>
7th Congressional District	Member	VACANT				<input type="checkbox"/>
DHEC	Designee					<input checked="" type="checkbox"/>

Endnote (388) Figure 6. Screenshot from Secretary of State's website

³⁸⁹S.C. State Library, "Executive Order No. 99-10," under "Digital Collections Home," under "South Carolina State Documents Depository," under "Office of the Governor," under "Executive Orders," https://dc.statelibrary.sc.gov/bitstream/handle/10827/1549/Executive_Order_1999-10.pdf?sequence=1 (accessed May 15, 2020).

³⁹⁰Ibid. (There is hereby created the Information Resources Council of South Carolina, to: (a) assist agencies in the development and implementation of sound business plans that include information technology plans that address the effective and efficient use of information resources and technologies; (b) oversee and coordinate development of statewide policies, standards, strategies, goals and objectives derived from sound business plans that address the enterprise-wide planning, management and use of information resources and technologies; (c) oversee and coordinate development of a statewide information infrastructure that supports the State's information resources planning initiatives toward: ACCESS; OPTIMIZATION; MEASUREMENT; AND INNOVATION; (d) foster interagency and intergovernmental project funding and management that share staff, budgets, information resources, and facilities; (e) provide a forum that encourages innovation and creativity in the application of information resources and stimulates defining and resolving barriers to efficient and effective development, use and sharing of information resources among public, private, national, state and local interests; (f) provide leadership and guidance in the continued development of integrated statewide networks that cost-effectively facilitate sharing of and access to information, computing and communications resources; (g) oversee, coordinate, and improve the delivery of services to the general public and to the private sector by expanding government's use of technology; and (h) provide advice on policy issues related to technology. The Council shall submit to the Office of the Governor, annually, a report on the State's technology inventory, including its infrastructure, workforce, management, critical applications, goals and objectives, along with a report documenting the information resource strategies promulgated by the Council and progress-to-date on their implementation.)

³⁹¹S.C. Code Section 48-39-40 (Repealed. HISTORY: Former Section, titled Creation of Coastal Zone Management Appellate Panel; members; terms of office, had the following history: 1977 Act No. 123, Section 4; 1990 Act No. 607, Section 6; 1991 Act No. 248, Section 6; 1993 Act No. 181, Section 1235; 2012 Act No. 279, Section 18. Repealed by 2018 Act No. 167, Section 1, eff May 3, 2018.)

³⁹²S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted all positions on the South Carolina Coastal Zone Management Appellate Panel are expired terms.

South Carolina Coastal Zone Management Appellate Panel

Statutes: SC Code §48-39-40

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	Mayberry, Thomas	Legislative Delegation	5/31/2003	6/1/2007	<input type="checkbox"/>
2nd Congressional District	Member	Malinowski, Jan	Legislative Delegation	5/28/2003	6/30/2007	<input type="checkbox"/>
3rd Congressional District	Member	Adkins, Rick	Legislative Delegation	7/1/2003	6/30/2007	<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	Powers, Delton	Legislative Delegation	6/30/1999	6/30/2003	<input type="checkbox"/>
6th Congressional District	Member	Timmons, Herbert A.	Legislative Delegation	2/1/1998	6/30/2001	<input type="checkbox"/>
7th Congressional District	Member	VACANT				<input type="checkbox"/>
Beaufort County	Member	Crowther, Carroll	Legislative Delegation	10/24/2005	9/30/2009	<input type="checkbox"/>
Berkeley County	Member	VACANT				<input type="checkbox"/>
Charleston County	Member	Willingham, Ken R.	Legislative Delegation	6/30/2001	6/30/2005	<input type="checkbox"/>
Colleton County	Member	VACANT				<input type="checkbox"/>
Dorchester County	Member	VACANT				<input type="checkbox"/>
Georgetown County	Member	Altman, R. Linwood	Legislative Delegation	7/1/1993	6/30/2005	<input type="checkbox"/>
Horry County	Member	Strickland, W. Sump	Legislative Delegation	7/1/1987	6/30/1995	<input type="checkbox"/>
Jasper County	Member	Lawton, Henry C.	Legislative Delegation	2/1/1991	6/30/1997	<input type="checkbox"/>

Endnote (392) Figure 7. Screenshot from Secretary of State's website

³⁹³S.C. Code Section 48-39-45 (Coastal Zone Management Advisory Council created; membership; duties.

(A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fifteen members, which shall act as an advisory council to the department's Office of Ocean and Coastal Resources Management.

(2) The members of the council must be constituted as follows:

(a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and

(b) seven members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote.

(3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.

(B) Terms of all members are for four years and until successors are appointed and qualified. A vacancy must be filled in the original manner of selection for the remainder of the unexpired term.

(C) Members of the council may not be compensated for their services and are not entitled to mileage, subsistence, or per diem as provided by law for members of state boards, committees, and commissions and are not entitled to reimbursement for actual and necessary expenses incurred in connection with and as a result of their service on the council.

(D)(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council's attention.

(2) The council shall meet at the call of the chairman.

(3) Advice and counsel of the council is not binding on the department. HISTORY: 2010 Act No. 285, Section 2, eff upon approval (became law without the Governor's signature on June 28, 2010); 2012 Act No. 279, Section 19, eff June 26, 2012.)

³⁹⁴S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted all the positions on the Coastal Zone Management Advisory Council are vacant.

Coastal Zone Management Advisory Council

Statutes: SC Code §48-39-45

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	VACANT				<input type="checkbox"/>
2nd Congressional District	Member	VACANT				<input type="checkbox"/>
3rd Congressional District	Member	VACANT				<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	VACANT				<input type="checkbox"/>
6th Congressional District	Member	VACANT				<input type="checkbox"/>
7th Congressional District	Member	VACANT				<input type="checkbox"/>
Beaufort County	Member	VACANT				<input type="checkbox"/>
Berkeley County	Member	VACANT				<input type="checkbox"/>
Charleston County	Member	VACANT				<input type="checkbox"/>
Colleton County	Member	VACANT				<input type="checkbox"/>
Dorchester County	Member	VACANT				<input type="checkbox"/>
Georgetown County	Member	VACANT				<input type="checkbox"/>
Horry County	Member	VACANT				<input type="checkbox"/>
Jasper County	Member	VACANT				<input type="checkbox"/>

Endnote (394) Figure 8. Screenshot from Secretary of State's website

³⁹⁵ S.C. Code Section 25-19-10 (Prisoners of war commission; members; terms; vacancies. There is established a Prisoner of War Commission in South Carolina composed of one member from each congressional district and one member from the State at large, to be appointed by the Governor with the advice and consent of a majority of the Senate members representing the congressional district involved and a majority of the House of Representatives members representing the congressional district involved. A chairman must be elected annually by the commission from its membership. All members must be former prisoners of war. The South Carolina Department of the American Ex-Prisoners of War may submit to the Governor names and biographical data on former prisoners of war willing and able to serve. Their terms are for four years and until their successors are appointed and qualify. Vacancies must be filled by the Governor for the remainder of an unexpired term. HISTORY: 1988 Act No. 545, Section 1; 2012 Act No. 279, Section 9, eff June 26, 2012.)

³⁹⁶ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted most of the positions on the Prisoners of War Commission are vacant.

Prisoners of War Commission

Statutes: SC Code §25-19-10

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	VACANT				<input type="checkbox"/>
2nd Congressional District	Member	VACANT				<input type="checkbox"/>
3rd Congressional District	Member	VACANT				<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	VACANT				<input type="checkbox"/>
6th Congressional District	Member	VACANT				<input type="checkbox"/>
7th Congressional District	Member	VACANT				<input type="checkbox"/>
At Large	Member	VACANT				<input type="checkbox"/>

Endnote (397) Figure 9. Screenshot from Secretary of State's website

³⁹⁷ S.C. Code Section 1-25-60 (State Interagency Planning and Evaluation Advisory Committee; Interagency Demonstration Area Coordinating Committee.

(A) For the purpose of coordinating state agency cooperation with the project, a State Interagency Planning and Evaluation Advisory Committee shall be formed consisting of the following members:

(1) The chief executive officer of the following state human services agencies and commissions:

- (a) Department of Social Services
- (b) Department of Health and Environmental Control
- (c) Department of Mental Health
- (d) Department of Alcohol and Other Drug Abuse Services
- (e) Department of Vocational Rehabilitation
- (f) Commission for the Blind
- (g) Department of Disabilities and Special Needs
- (h) Department on Aging

(2) [Reserved]

(3) A representative of two statewide private service agencies to be appointed by the committee chairman.

(4) A representative of the Governor's office designated annually by the Governor.

(5) Four persons representing human service clients, consumers or any other class, group or public or private entity that would substantially contribute to the purposes of the committee, to be appointed by these committee chairmen:

- (a) Senate Finance Committee;
- (b) Senate Family and Veterans Services' Committee;
- (c) House Ways and Means Committee;
- (d) House Medical, Military, Public and Municipal Affairs Committee.

(B) Committee members enumerated in this subsection shall not delegate their committee membership or voting rights to any other person.

(C) The functions of the Interagency Planning and Evaluation Advisory Committee shall include, but not be limited to, the following:

- (1) To insure and direct the full cooperation with and participation in the project of all agencies represented on the committee.
- (2) To identify and assist in the compliance with all federal and state funding and programmatic requirements.
- (3) To assist the Legislative Audit Council in the conduct and publication of audits as provided in subsection Section 1-25-90.
- (4) To assist in the evaluation of the project as provided in subsection Section 1-25-70.
- (5) To assist in the planning and setting of project objectives.
- (6) To contract for the services of a site manager, who shall be designated as manager of all of the human service programs enumerated in subsection Section 1-25-70(B).

(D) For the purpose of overseeing the planning, implementation and operation of the project and to act as the Project Managing Agency at each designated site, an Interagency Demonstration Area Coordinating Committee shall be formed at each site consisting of the following members:

- (1) The local chief executive officers of the agencies enumerated in subsection (A) of this section, of the area selected as the project site.
- (2) A representative of the State Reorganization Commission, designated annually by the commission, who shall serve as chairman.
- (3) A representative of two local private service agencies, to be appointed by the chairman.
- (4) A representative from each county or counties chosen as a project site, appointed by the county council of that county or counties.
- (5) Four persons representing human service clients, consumers or any other class, group or public or private entity that would substantially contribute to the purposes, as described in subitem (C)(5) above.

(E) Committee members enumerated in this subsection shall not delegate their committee membership or voting rights to any other person.

(F) The functions of the committee shall include, but not be limited to, the following:

- (1) To execute the powers and duties assigned to the Project Managing Agency in subsection Section 1-25-70.
- (2) To ensure the full cooperation with and participation in the project of all of the local offices of the enumerated agencies.
- (3) To identify and assist in the compliance with all state and federal funding and programmatic requirements.
- (4) To assist in the evaluation of the project as provided in Section 1-25-70.

HISTORY: 1978 Act No. 644, Part II, Section 30; 1991 Act No. 248, Section 6; 1993 Act No. 181, Section 20; 1998 Act No. 419, Part II, Section 35A; 2019 Act No. 4 (S.327), Section 1, eff March 20, 2019.)

³⁹⁸ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website

noted most of the positions on the State Interagency Planning and Evaluation Advisory Committee are vacant.
State Interagency Planning and Evaluation Advisory Committee

Statutes: SC Code §1-25-60

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
CEO, Alcohol and Other Drug Abuse Services	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, Commission for the Blind	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, Department of Disabilities & Special Needs	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, Department of Mental Health	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, Department of Social Services	Ex Officio Member	Sturkie, Sandra M.	Governor Nikki R. Haley	1/13/2015	6/1/2017	<input type="checkbox"/>
CEO, Department of Vocational Rehabilitation	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, DHEC	Ex Officio Member					<input checked="" type="checkbox"/>
CEO, Division on Aging	Ex Officio Member					<input checked="" type="checkbox"/>
Governor's Office	Member	VACANT				<input checked="" type="checkbox"/>
House Medical, Military, Public and Municipal Affa	Member	VACANT				<input checked="" type="checkbox"/>
House Ways & Means Committee Designee	Member	VACANT				<input type="checkbox"/>
Senate Finance Committee Designee	Member	VACANT				<input checked="" type="checkbox"/>
Senate General Committee Designee	Member	VACANT				<input checked="" type="checkbox"/>
Statewide Private Service Agency	Member	VACANT				<input checked="" type="checkbox"/>
Statewide Private Service Agency	Member	VACANT				<input checked="" type="checkbox"/>

Endnote (399) Figure 10. Screenshot from Secretary of State's website

³⁹⁹ S.C. Code Section 1-25-60 (State Interagency Planning and Evaluation Advisory Committee; Interagency Demonstration Area Coordinating Committee.

(A) For the purpose of coordinating state agency cooperation with the project, a State Interagency Planning and Evaluation Advisory Committee shall be formed consisting of the following members: ... See, also, S.C. Code Section 1-25-10 (Creation of project. There is created the South Carolina Human Services Demonstration Project (project) for the purpose of establishing a demonstration model whereby the delivery of human services in South Carolina may be thoroughly researched and studied to provide for a more efficient and orderly manner of service delivery and to improve the availability, quality and cost effectiveness of providing such services to the citizens of the State. HISTORY: 1978 Act No. 644, Part II, Section 30.) See, also, S.C. Code Section 1-25-20 (Purpose of project.

The purposes of the project shall be:

A. To provide information and working experience relevant to the discovery of steps needed to provide increased efficiency in the delivery of human services in South Carolina;

B. To provide to the Reorganization Commission the information necessary for the commission to examine the organization and functions of the agencies providing human services in the State, and to further consider what reorganization plan or plans the commission shall promulgate under its statutory authority provided in 1-19-20 of the 1976 Code. HISTORY: 1978 Act No. 644, Part II, Section 30.)

⁴⁰⁰ S.C. Code Section 48-18-50 (State Advisory Council on erosion and sediment reduction; membership; duties.

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:

- South Carolina Association of Counties
- South Carolina Municipal Association
- South Carolina Association of Conservation Districts
- South Carolina Home Builders Association
- Associated General Contractors, Inc.
- South Carolina Association of Realtors
- South Carolina Chapter, American Society of Landscape Architects
- South Carolina Chapter, American Society of Civil Engineers
- Council of Governments Executive Director's Committee

South Carolina Farm Bureau
South Carolina State Grange
Office of the Governor
USDA-Soil Conservation Service
Clemson University
South Carolina Department of Health and Environmental Control
South Carolina Forestry Commission
South Carolina Forestry Association
South Carolina Chapter
American Institute of Architects

(2) The department must provide staff support to the State Advisory Council.

(3) Duties of the State Advisory Council include, but are not limited to the following:

(a) Study the erosion and sediment reduction and stormwater management programs of other states and evaluate their applicability to South Carolina.

(b) Evaluate erosion, sedimentation, and stormwater conditions in the State.

(c) Recommend improvements and changes to meet the needs for erosion and sediment reduction and stormwater management in the State.

(d) Assist the department with educational programs including, but not limited to, seminars, conferences, workshops, media productions, and written publication.

(e) Compile information pertaining to sedimentation of water bodies in the State.

(f) Evaluate and recommend conservation programs and technology for reducing erosion and sedimentation and improving stormwater management.

(g) Evaluate the need for additional legislation for erosion and sediment reduction and stormwater management.

(h) Recommend appropriate recognition programs for landowners and land users implementing outstanding erosion and sediment reduction and stormwater management programs.

(i) Provide information to the department as needed. HISTORY: 1984 Act No. 277, Section 2; 1993 Act No. 181, Section 1219.)

⁴⁰¹ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted all the positions on the State Advisory Council on Erosion and Sediment Reduction were vacant.

State Advisory Council on Erosion and Sediment Reduction

Statutes: SC Code §48-18-50

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Associated General Contractors, Inc.	Member	VACANT				<input checked="" type="checkbox"/>
Clemson University	Member	VACANT				<input checked="" type="checkbox"/>
Council of Governments Executive Director's Commit	Member	VACANT				<input checked="" type="checkbox"/>
Office of the Governor	Member	VACANT				<input checked="" type="checkbox"/>
SC Association of Conservation Districts	Member	VACANT				<input checked="" type="checkbox"/>
SC Association of Counties	Member	VACANT				<input checked="" type="checkbox"/>
SC Association of Realtors	Member	VACANT				<input checked="" type="checkbox"/>
SC Chapter, American Institute of Architects	Member	VACANT				<input checked="" type="checkbox"/>
SC Chapter, American Society of Civil Engineers	Member	VACANT				<input checked="" type="checkbox"/>
SC Chapter, American Society of Landscape Architec	Member	VACANT				<input checked="" type="checkbox"/>
SC DHEC	Member	VACANT				<input checked="" type="checkbox"/>
SC Farm Bureau	Member	VACANT				<input checked="" type="checkbox"/>
SC Forestry Association	Member	VACANT				<input checked="" type="checkbox"/>
SC Forestry Commission	Member	VACANT				<input checked="" type="checkbox"/>
SC Home Builders Association	Member	VACANT				<input checked="" type="checkbox"/>
SC Municipal Association	Member	VACANT				<input checked="" type="checkbox"/>
SC State Grange	Member	VACANT				<input checked="" type="checkbox"/>
USDA-Soil Conservation Service	Member	VACANT				<input checked="" type="checkbox"/>

Endnote (401) Figure 11. Screenshot from Secretary of State's website

⁴⁰² 2017 Act No. 125.

⁴⁰³ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted most of the Seizure Safety Study Committee positions were vacant.

Seizure Safety Study Committee

Statutes: Act 125, 2017

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Chair, House Education and Public Works Committee	Ex Officio Member					<input checked="" type="checkbox"/>
Chair, House Medical, Military, Public and Municip	Ex Officio Member					<input checked="" type="checkbox"/>
Chair, Senate Education Committee	Ex Officio Member					<input checked="" type="checkbox"/>
Chair, Senate Medical Affairs Committee	Ex Officio Member					<input checked="" type="checkbox"/>
Director of a Children's Hospital	Member	VACANT				<input checked="" type="checkbox"/>
Director of DHEC	Ex Officio Member					<input checked="" type="checkbox"/>
Org Supporting Families of Children with Special M	Member	VACANT				<input checked="" type="checkbox"/>
Parent of Public School Student with Seizure Disor	Member	VACANT				<input checked="" type="checkbox"/>
Physician Practicing Pediatric Neurology	Member	VACANT				<input checked="" type="checkbox"/>
Public School Administrator	Chair	Tucker, Carrie	Governor Henry McMaster	10/18/2018	10/18/2019	<input checked="" type="checkbox"/>
Public School Nurse	Member	VACANT				<input checked="" type="checkbox"/>
SC Board of Medical Examiners	Member	VACANT				<input checked="" type="checkbox"/>
SC Board of Nursing	Member	VACANT				<input checked="" type="checkbox"/>
Teacher	Member	VACANT				<input type="checkbox"/>

Endnote (404) Figure 12. Screenshot from Secretary of State's website

⁴⁰⁴ 2017 Act No. 125.

⁴⁰⁵ S.C. Code Section 44-44-40 (Birth Defects Advisory Council established; membership; subject areas for recommendations; compensation.

(A) There is established the Birth Defects Advisory Council composed of at least thirteen members to be appointed by the commissioner of the department, with an odd total number of members. The members shall include at least one representative from each of the following organizations, upon the recommendation of the director of the respective organization:

- (1) American Academy of Pediatrics, South Carolina Chapter, a board-certified physician in neonatal-perinatal medicine;
- (2) American College of Obstetrics and Gynecology, South Carolina Chapter, a board-certified physician in maternal fetal medicine;
- (3) Greenwood Genetic Center;
- (4) University of South Carolina School of Medicine, a board-certified genetics professional who must be a physician or genetics counselor;
- (5) Medical University of South Carolina, a board-certified physician in pediatric cardiology or a board-certified genetics professional;
- (6) March of Dimes, South Carolina Chapter;
- (7) South Carolina Perinatal Association;
- (8) South Carolina Department of Disabilities and Special Needs;
- (9) South Carolina Department of Health and Human Services;
- (10) Parent of a child with a birth defect, recommended by a South Carolina family advocacy or disability organization;
- (11) An adult who was born with a birth defect, recommended by a South Carolina family advocacy or disability organization;
- (12) South Carolina Hospital;
- (13) South Carolina Medical Association, a licensed physician specializing in genetics.

(B) The Birth Defects Advisory Council shall meet periodically, but at least annually, with staff from the department. The commissioner of the department or his designee must be a nonvoting ex officio advisory council member.

(C) The advisory council may make recommendations to the department concerning the following:

- (1) the establishment of procedures for the birth defects program;
- (2) the transition from the existing South Carolina Neural Tube Defects Prevention Program into an integrated system of comprehensive birth defects monitoring based at the department;
- (3) the allocation of funding, cooperative agreements, and grants; and
- (4) evaluation of the birth defects program.

(D) The members of the council shall serve in a voluntary capacity and are not entitled to compensation, mileage, per diem, or subsistence.

HISTORY: 2004 Act No. 281, Section 1, eff May 11, 2004.)

⁴⁰⁶ S.C. Secretary of State’s Office, “Search South Carolina State Boards and Commissions,” under “Searches,” <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State’s website noted all positions on the Birth Defects Advisory Council were vacant.

Birth Defects Advisory Council

Statutes: SC Code §44-44-40

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Adult, born with birth defect	Member	VACANT				<input checked="" type="checkbox"/>
Dept. of Disabilities and Special Needs	Member	VACANT				<input checked="" type="checkbox"/>
Dept. of Health and Human Services	Member	VACANT				<input checked="" type="checkbox"/>
Genetics counselor or physician	Member	VACANT				<input checked="" type="checkbox"/>
Genetics physician	Member	VACANT				<input checked="" type="checkbox"/>
Greenwood Genetic Center	Member	VACANT				<input checked="" type="checkbox"/>
March of Dimes, SC Chapter	Member	VACANT				<input checked="" type="checkbox"/>
Maternal fetal medicine	Member	VACANT				<input checked="" type="checkbox"/>
Neonatal-perinatal medicine	Member	VACANT				<input checked="" type="checkbox"/>
Parent	Member	VACANT				<input checked="" type="checkbox"/>
Pediatric cardiology or Genetics counselor or phys	Member	VACANT				<input checked="" type="checkbox"/>
SC Hospital	Member	VACANT				<input checked="" type="checkbox"/>
SC Perinatal Association	Member	VACANT				<input checked="" type="checkbox"/>

Endnote (407) Figure 13. Screenshot from Secretary of State’s website

⁴⁰⁷ S.C. Code Section 2-35-10 (Creation, membership, terms, officers and meetings of Committee.

A permanent committee, designated the Local Government Study Committee, consisting of twelve members is hereby created to be appointed as follows: Four shall be appointed by the President of the Senate from the membership of that body, four shall be appointed by the Speaker of House of Representatives from the membership of that body, and four shall be appointed by the Governor. Terms of the members shall be for two years and appointing authorities are requested to reappoint eligible members to provide continuity of the studies of the committee. The committee shall meet as soon as practicable after appointment and shall organize itself by electing one of its members as chairman and such other officers as the committee may deem necessary. Thereafter, the committee shall meet on the call of the chairman or a majority of the members. HISTORY: 1962 Code Section 30-145.21; 1965 (54) 829; 1969 (56) 828; 1970 (56) 2559; 1973 (58) 280.)

⁴⁰⁸ S.C. Secretary of State’s Office, “Search South Carolina State Boards and Commissions,” under “Searches,” <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State’s website noted all positions on the Local Government Study Committee.

Local Government Study Committee

Statutes: SC Code §2-35-10

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Governor Appointee	Member	VACANT				<input checked="" type="checkbox"/>
Governor Appointee	Member	VACANT				<input checked="" type="checkbox"/>
Governor Appointee	Member	VACANT				<input checked="" type="checkbox"/>
Governor Appointee	Member	VACANT				<input checked="" type="checkbox"/>
Representative	Member	VACANT				<input checked="" type="checkbox"/>
Representative	Member	VACANT				<input checked="" type="checkbox"/>
Representative	Member	VACANT				<input checked="" type="checkbox"/>
Representative	Member	VACANT				<input checked="" type="checkbox"/>
Senator	Member	VACANT				<input checked="" type="checkbox"/>
Senator	Member	VACANT				<input checked="" type="checkbox"/>
Senator	Member	VACANT				<input checked="" type="checkbox"/>
Senator	Member	VACANT				<input checked="" type="checkbox"/>

Endnote (408) Figure 14. Screenshot from Secretary of State's website

⁴⁰⁹ S.C. Code Section 2-35-20 (Duties. The committee shall study the problems confronting the municipalities and county governments of the State which have resulted from rapid growth and development of recent years. This shall embody all phases of the municipalities and county governments, giving adequate consideration to long-range planning in order to facilitate the orderly development of our State. The committee shall report its findings and such recommendations as it may consider necessary annually to the General Assembly. HISTORY: 1962 Code Section 30-145.22; 1965 (54) 829; 1967 (55) 1191; 1969 (56) 828.) See, also, S.C. Code Section 2-35-30 (Compensation and cost and expenses of members. The members shall be entitled to such mileage, subsistence and per diem as authorized by law for members of boards, committees and commissions while in the performance of the duties for which appointed. This shall be paid from the approved accounts of both houses. HISTORY: 1962 Code Section 30-145.23; 1965 (54) 829.) See, also, S.C. Code Section 2-35-40 (Employment of personnel; expenses of committee. The committee is authorized to employ such assistants as may be necessary and to incur necessary expenses. Payments from the fund's appropriation shall be made only upon vouchers signed by the chairman of the committee. HISTORY: 1962 Code Section 30-145.24; 1965 (54) 829; 1967 (55) 1191.) See, also, S.C. Code Section 2-35-50 (Employment of professional assistance. The committee may employ such professional assistance as it deems necessary, within the limit of funds appropriated, in the conduct of its studies. HISTORY: 1962 Code Section 30-145.25; 1973 (58) 280.)

⁴¹⁰ S.C. Code Section 63-13-1210 (State advisory committee established. (A) A State Advisory Committee on the Regulation of Childcare Facilities is established. It consists of seventeen members appointed by the Governor, in accordance with the following:

(1) Five of the members appointed must be parents of children who are receiving childcare services at the time of appointment, with no less than three representing the entrepreneurial facilities.

(2) Eight of the members appointed must be representative of owners and operators of childcare facilities, one of which must be an operator of a childcare home. No less than five other appointees must be operators of facilities subject to regulation who are actively engaged in the operation for profit.

(3) One member appointed shall represent the educational community of the State.

Nominees for membership on the advisory committee pursuant to items (1), (2), and (3) must be made from lists furnished the Governor by South Carolina organizations representing the various types of childcare facilities defined in this chapter.

(4) One member appointed shall represent the business community of the State. Nominees for membership pursuant to this item must be made from lists furnished the Governor by the South Carolina Chamber of Commerce.

(5) Two members appointed shall represent church-operated childcare centers, one of whom must be an operator of a church childcare center and one of whom must be a parent of a child who is receiving childcare services in a church-operated childcare center at the time of appointment.

(B) Members shall serve for terms of three years and until their successors are appointed and qualify, except that of those initially appointed five shall serve for one year, five for two years, and five for three years. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Reappointment to serve a full term may ensue at the discretion of the Governor, however, no member may be permitted to succeed himself after serving a full term.

(C) The chairman of the committee must be designated by the Governor from among the appointees selected pursuant to the provisions of items (1) and (2) of subsection (A) of this section. HISTORY: 2008 Act No. 361, Section 2.) See, also, S.C. Code Section 63-13-1220 (Committee duties. The State Advisory Committee on the Regulation of Childcare Facilities shall:

(1) Review changes in the regulations and suggested standards proposed by the director or his designee and make recommendations on these changes to the director or his designee. The committee shall evaluate the regulations and suggested standards at the three-year review period (subsection (C) of Section 63-13-180) and recommend necessary changes. No regulation may be promulgated if the standard has been disapproved by a simple majority of the committee.

- (2) Advise the department regarding the improvement of the regulation of childcare facilities.
- (3) Advise the department on matters of regulatory policy, planning, and priorities.
- (4) As it considers necessary, hold a public hearing at least thirty days before adoption of the regulations.
- (5) Plan with the department for the procedures to be used in notifying licensees, approved operators, and registrants regarding regulatory changes sixty days before intended promulgation.
- (6) Maintain through the department the essential liaison with other departments and agencies of state and local government so as to preclude imposition of duplicate requirements upon operators subject to regulations under this chapter.
- (7) Act to move the adoption of its recommendations and other pertinent disposition of matters before it by decision of a simple majority of those members present and voting, provided there is a quorum of eight members.

HISTORY: 2008 Act No. 361, Section 2.) See, also, S.C. Code Section 63-13-10 (Purpose.

(A) The intent of this chapter is to define the regulatory duties of government necessary to safeguard children in care in places other than their own homes, ensuring for them minimum levels of protection and supervision. Toward that end, it is the purpose of this chapter to establish statewide minimum regulations for the care and protection of children in childcare facilities, to ensure maintenance of these regulations and to approve administration and enforcement to regulate conditions in such facilities. It is the policy of the State to ensure protection of children under care in childcare facilities, and to encourage the improvement of childcare programs.

(B) It is the further intent of this chapter that the freedom of religion of all citizens is inviolate. Nothing in this chapter shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday school, Sabbath school, religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending the services.

(C) Nothing in this chapter shall create authority for the Department of Social Services to influence or regulate the curriculum of childcare facilities. HISTORY: 2008 Act No. 361, Section 2.)

⁴¹¹ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the State Advisory Committee on the Regulation of Child Care Facilities has 17 members; two were vacant and 15 expired.

State Advisory Committee on the Regulation of Child Care Facilities

Statutes: SC Code §63-13-1210

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Business Community	Member	Brashier, G. Edward	Governor Nikki R. Haley	3/19/2014	12/31/2016	<input type="checkbox"/>
Church Day Care Parent	Member	Mullen, Caroline N.	Governor	8/20/2009	12/31/2009	<input type="checkbox"/>
Church Facility Owner/Operator	Member	Spires, Robin H.	Governor Nikki R. Haley	2/26/2014	12/31/2014	<input type="checkbox"/>
Educational Community	Member	Schnake, Kerrie Lynn	Governor	7/31/2013	12/31/2015	<input type="checkbox"/>
Home Childcare Owner/Operator	Member	Gay, Roberta M.	Governor	1/24/2002	12/31/2004	<input type="checkbox"/>
Owner/Operator	Member	VACANT				<input type="checkbox"/>
Owner/Operator	Member	Hall, Shadie W.	Governor Nikki R. Haley	2/26/2014	12/31/2014	<input type="checkbox"/>
Owner/Operator	Member	Compton, Tammy W.	Governor	7/31/2013	12/31/2015	<input type="checkbox"/>
Owner/Operator	Member	Hoover, Vickie Leigh	Governor	7/31/2013	12/31/2014	<input type="checkbox"/>
Owner/Operator	Member	Sheldon, Mary P.	Governor Nikki R. Haley	3/19/2014	12/31/2016	<input type="checkbox"/>
Owner/Operator	Member	Scarry, Patricia M.	Governor	7/31/2013	12/31/2014	<input type="checkbox"/>
Owner/Operator	Member	Pryor, W. Roger Jr.	Governor	7/23/2009	12/31/2009	<input type="checkbox"/>
Parent	Member	Hopson, Justin	Governor	7/24/2013	12/31/2015	<input type="checkbox"/>
Parent	Member	O'Neill, Brandy S.	Governor	7/24/2013	12/15/2015	<input type="checkbox"/>
Parent	Member	Hughes, Bonnye K.	Governor Nikki R. Haley	2/26/2014	12/31/2015	<input type="checkbox"/>
Parent	Member	Williams, Reginald Harrison	Governor Nikki R. Haley	3/4/2014	12/31/2015	<input type="checkbox"/>
Parent	Member	VACANT				<input type="checkbox"/>

Endnote (411) Figure 15. Screenshot from Secretary of State's website

⁴¹² S.C. Code Section 44-6-170(C).

⁴¹³ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the Data Oversight Council has 15 non-ex-officio positions, plus 2 ex-officio positions. Nine positions are vacant, and two are expired (between 6 months and 9 years ago).

Data Oversight Council

Statutes: SC Code §44-6-170

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Chair, State Health Planning Committee	Ex Officio Member					<input checked="" type="checkbox"/>
Director, DHEC	Designee	Nitcheva, Daniela	Governor Henry McMaster	10/18/2017	10/30/2019	<input type="checkbox"/>
Executive Director, Dept. of Health and Human Serv	Designee	Lopez-DeFede, Ana	Executive Director, Department of Health and Human Services	11/1/2012		<input checked="" type="checkbox"/>
Governor's Office	Designee	Francis, Merritt	Governor Henry McMaster	9/5/2018		<input checked="" type="checkbox"/>
Hospital Administrator	Member	VACANT				<input type="checkbox"/>
Human Services Coordinating Council	Ex Officio Member					<input checked="" type="checkbox"/>
Managed Health Care Industry	Member	VACANT				<input type="checkbox"/>
Nonhealth care-related business	Member	VACANT				<input type="checkbox"/>
Nonhealth care-related business	Member	VACANT				<input type="checkbox"/>
Nonhealth care-related business	Member	VACANT				<input type="checkbox"/>
Nonhealth care-related business, less than 100 emp	Member	VACANT				<input type="checkbox"/>
Nursing Home Administrator	Member	VACANT				<input type="checkbox"/>
Physician	Member	Goltra, David D.	Governor	3/17/2009	6/30/2011	<input type="checkbox"/>
SC Chamber of Commerce	Member	VACANT				<input type="checkbox"/>
SC Hospital Association	Member	Moonan, Aunyika T.	Governor Henry McMaster	6/5/2017	6/30/2020	<input type="checkbox"/>
SC Medical Association	Member	Pennington, John	CEO of the South Carolina Medical Association			<input type="checkbox"/>
Third Party Health Care Payer	Member	VACANT				<input type="checkbox"/>

Endnote (413) Figure 16. Screenshot from Secretary of State's website

⁴¹⁴ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted most of the terms for the Health Planning Committee were expired. S.C. Code Section 44-7-180 (Health planning committee; appointment, composition, terms, and allowances; State Health Plan; fees to cover costs of certificate of need program. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor's appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. The chairman of the board shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four-year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office. (B) With the advice of the health planning committee, the department shall prepare a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include: (1) an inventory of existing health care facilities, beds, specified health services, and equipment; (2) projections of need for additional health care facilities, beds, health services, and equipment; (3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and (4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment. The South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the South Carolina Health Plan. (C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the board for final revision and adoption. Once adopted by the board, the plan may later be revised through the same planning and approval process.

The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.

HISTORY: 1962 Code Section 32-768; 1952 Code Section 32-768; 1947 (45) 510; 1979 Act No. 51 Section 1; 1988 Act No. 670, Section 1; 1992 Act No. 511, Section 8; 2010 Act No. 278, Section 7, eff July 1, 2010.)

⁴¹⁵ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 15, 2020). As of May 2020 information from the Secretary of State's website noted most of the Health Planning Committee were serving in expired terms. South Carolina Health Planning Committee was created by 1992 Act No. 511, Section 8. The committee's responsibilities are outline in S.C. Code Section 44-7-180, provided below. The committee consists of 14 members, 12 appointed by the Governor, one appointed by the State Board of Health and Environmental Control, and South Carolina Consumer Advocate or the Consumer Advocate's designee as an ex-officio member.

The Governor's appointees must include at least one member from each congressional district and have certain groups represented through the appointees. 2010 Act No. 278, Section 7, added "an administrator of a licensed for-profit nursing home," to the list of groups that must be represented among the Governor's appointees.

Members appointed by the Governor serve a four-year term and may serve only two consecutive terms. As of May 14, 2020, one of the positions was vacant and eleven were expired, as seen in the figure below.

South Carolina Health Planning Committee

Statutes: SC Code §44-7-180

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
2nd District Provider	Member	Gondi, Gokul	Governor Henry McMaster	4/13/2018	6/30/2021	<input type="checkbox"/>
7th Congressional District, Provider	Member	VACANT				<input type="checkbox"/>
At Large	Member	Leaks, Roger Jr.	Governor	4/10/2012	6/30/2015	<input type="checkbox"/>
At Large	Member	Hudson, W. H.	Governor	4/10/2012	6/30/2015	<input type="checkbox"/>
At Large	Member	Nail, Steven E.	Governor Nikki R. Haley	1/30/2015	6/30/2018	<input type="checkbox"/>
At Large	Member	Moorhouse, Bradley W.	Governor	7/12/2012	6/30/2016	<input type="checkbox"/>
At Large	Member	Buie, Phyllis B.	Governor	4/10/2012	6/30/2015	<input type="checkbox"/>
At Large, Business, 1st District	Member	Phillips, Mary Elizabeth	Governor Nikki R. Haley	11/20/2014	6/30/2016	<input type="checkbox"/>
At- Large	Member	Harrell, Sarah C.	Governor Henry McMaster	4/24/2017	6/30/2018	<input type="checkbox"/>
Consumer Advocate	Ex Officio Member					<input checked="" type="checkbox"/>
Health Care Consumer, 5th District	Member	Moore, Kurt E.	Governor Nikki R. Haley	12/23/2014	6/30/2018	<input type="checkbox"/>
Health Care Financier, Business, 2nd District	Member	McCraw, Ann M.	Governor Nikki R. Haley	12/11/2014	6/30/2018	<input type="checkbox"/>
Health Care Provider, 2nd District	Member	Vasudeva, Rajeev	Governor Nikki R. Haley	1/27/2015	6/30/2018	<input type="checkbox"/>
Health Care Provider, 7th District	Member	Bohan, Michael	Governor Nikki R. Haley	12/23/2014	6/30/2018	<input type="checkbox"/>

Endnote (415) Figure 17. Screenshot from Secretary of State's website

⁴¹⁶ S.C. Code Section 60-11-110 (South Carolina African-American Heritage Commission. (A) The South Carolina Commission of Archives and History shall establish the South Carolina African-American Heritage Commission to assist and enhance the efforts of the department to preserve and promote historic buildings, structures, and sites reflecting the State's African-American heritage. The commission shall:

- (1) promote public awareness of buildings, sites, and structures associated with South Carolina's African-American heritage through publications, presentations, and workshops;
- (2) support African-American heritage education at the elementary, secondary, and college levels;
- (3) build a network of African-American individuals and groups interested in historic preservation;
- (4) support the recruitment and hiring of African-American professionals by historical organizations and agencies;
- (5) advise the Commission of Archives and History on matters relating to the identification and preservation of buildings, structures, and sites associated with African-American history and the programs and services of the department.

(B) The South Carolina African-American Heritage Commission shall consist of fifteen members appointed to staggered terms by the South Carolina Commission of Archives and History. The members of the African-American Heritage Commission shall represent all geographic regions of the State. The South Carolina Commission of Archives and History also may appoint other nonvoting members representing appropriate organizations. The members may not receive per diem, but must be reimbursed for mileage and subsistence from the State Historic Preservation Grant Fund.

(C) The African-American Heritage Commission also shall include nonvoting associate members who must be kept informed of its activities and invited to attend meetings. Associate members shall form a network of individuals and groups across the State who are interested in the preservation of properties associated with African-American history. Associate members are not eligible for per diem, mileage, and subsistence.

(D) The African-American Heritage Commission shall meet quarterly and shall plan activities to carry out its duties as enumerated in subsection (A). It shall establish bylaws for appointing members, electing officers, and conducting meetings.

(E) The South Carolina Department of Archives and History shall serve in a nonvoting advisory role to the African-American Heritage Commission and shall provide information and staff assistance. The commission must be funded through the State Historic Preservation Grant Fund, South Carolina's annual allocation from the federal Historic Preservation Fund, and any nonstate funds contributed to the commission.

(F) This resolution does not preclude the African-American Heritage Commission from receiving a charter as a nonprofit organization at a future date. HISTORY: 2007 Act No. 47, Section 1.)

⁴¹⁷ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the South Carolina African American Heritage Commission has fifteen members; all are expired.

South Carolina African American Heritage Commission

Statutes: SC Code §60-11-110

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
At Large	Member	James, Joseph	South Carolina Commission of Archives and History	1/1/2012	12/31/2014	<input type="checkbox"/>
At Large	Member	Jefferies, Nannie	South Carolina Commission of Archives and History	1/1/2013	12/31/2015	<input type="checkbox"/>
At Large	Member	Jenkins, Barbara	South Carolina Commission of Archives and History	1/1/2014	12/31/2016	<input type="checkbox"/>
At Large	Member	Kennedy, Jeffrey	South Carolina Commission of Archives and History	1/1/2014	12/31/2016	<input type="checkbox"/>
At Large	Member	Love, Leon	South Carolina Commission of Archives and History	1/1/2012	12/31/2014	<input type="checkbox"/>
At Large	Member	Shiple, Strauss Moore	South Carolina Commission of Archives and History	1/1/2012	12/31/2014	<input type="checkbox"/>
At Large	Member	Wright, Bernie L.	South Carolina Commission of Archives and History	1/1/2012	12/31/2014	<input type="checkbox"/>
At Large	Member	Clyburn, Beverly	South Carolina Commission of Archives and History	1/1/2013	12/31/2015	<input type="checkbox"/>
At Large	Member	Allen, Michael	South Carolina Commission of Archives and History	1/1/2013	12/31/2015	<input type="checkbox"/>
At Large	Member	Bartley, Abel	South Carolina Commission of Archives and History	1/1/2014	12/31/2016	<input type="checkbox"/>
At Large	Member	Brown, Kevin	South Carolina Commission of Archives and History	1/1/2014	12/31/2016	<input type="checkbox"/>
At Large	Member	Flemming-McCall, Felicia	South Carolina Commission of Archives and History	1/1/2014	12/31/2016	<input type="checkbox"/>
At Large	Member	Harriot, Jannie	South Carolina Commission of Archives and History	1/1/2013	12/31/2015	<input type="checkbox"/>
At Large	Member	Holland, James Hallie	South Carolina Commission of Archives and History	1/1/2013	12/31/2015	<input type="checkbox"/>
At Large	Member	James, Terry	South Carolina Commission of Archives and History	1/1/2012	12/31/2014	<input type="checkbox"/>
Ex Officio	Nonvoting Member	Reed, Richard	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Bedenbaugh, Michael L.	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Brown, Millicent	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Butler, Jacob	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Dawson-House, Dawn	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	DeVoe, M. Richard	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Donaldson, Bobby	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Kiese, Len	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Lewis, Leroy Jr.	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Smith, Martha Scott	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Watson, Larry	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Young, Joy	South Carolina Commission of Archives and History			<input checked="" type="checkbox"/>
Ex Officio	Nonvoting Member	Riley, Denise	South Carolina Commission of Archives and History	7/20/2011		<input checked="" type="checkbox"/>

Endnote (417) Figure 18. Screenshot from Secretary of State's website

⁴¹⁸ S.C. Code Section 43-33-330 (Appointment of board. Protection and Advocacy for People with Disabilities, Inc. is governed by a board consisting of a minimum of twelve members and a maximum of sixteen members. Four members must be appointed by the Governor, one member from each of the system's four regions. Eight members must be elected by the board upon recommendation by the system's nominating committee which shall consult with advocacy groups of the State representing persons with disabilities. Members shall serve for terms of four years and until their successors are appointed and qualify. Vacancies must be filled in the original manner for the unexpired portion of the term.

A vacancy must be filled not later than sixty days after the date on which the vacancy occurs. Up to four members who serve as chair of advisory councils or committees to the system may be elected by the board to serve ex officio as considered appropriate to the needs of the system or as mandated by law. No appointed board member may serve more than two successive four-year terms. The board may change its corporate name in the same manner as any other nonprofit corporation, and if the board changes its corporate name, the powers and duties of Protection and Advocacy for People with Disabilities, Inc. are considered to be the powers and duties of the successor nonprofit corporation. HISTORY: 1979 Act No. 48 Section 3; 1989 Act No. 145, Section 1, eff June 5, 1989; 1991 Act No. 52, Section 1, eff May 27, 1991; 1996 Act No. 251, Section 1, eff April 1, 1996; 2017 Act No. 52 (S.325), Section 2, eff May 19, 2017.) See, also, S.C. Code Section 43-33-310. (Legislative findings. The General Assembly finds that by executive order in 1977 the Governor designated an eleemosynary corporation now known as "Protection and Advocacy for People with Disabilities, Inc.", as the organization to perform the function of advocate for citizens with developmental disabilities as required by Section 113 of Public Law 94-103, as amended, and that organization has been performing that function and has qualified for certain assistance under Section 113 of Public Law 94-103, as amended. It is the purpose of this act to permanently establish as advocate under Section 113 of Public Law 94-103, as amended, an eleemosynary corporation now known as "Protection and Advocacy for People with Disabilities, Inc." It is the further purpose of this act to express the desire of the General Assembly that Protection and Advocacy for People with Disabilities, Inc. exercise protection and advocacy functions not only for the citizens of South Carolina with developmental disabilities but also for all other citizens of the State with disabilities. HISTORY: 1979 Act No. 48 Section 1; 2017 Act No. 52 (S.325), Section 1, eff May 19, 2017.)

⁴¹⁹ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 15, 2020). As of May 2020 information from the Secretary of State's website noted the Board of Directors of Protection & Advocacy for People with Disabilities, Inc. has fifteen positions, and twelve terms were expired.

Board of Directors of Protection & Advocacy for People with Disabilities, Inc.

Statutes: SC Code §43-33-330

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Lowcountry, Board	Member	Twombly, J. Ashley Esq.	the Board of Directors	6/1/2010	5/31/2014	<input type="checkbox"/>
Lowcountry, Board	Member	Rhodes, Levolia	the Board of Directors	6/1/2011	5/31/2015	<input type="checkbox"/>
Lowcountry, Governor	Member	Lang, Dana W.	Governor Nikki R. Haley	5/2/2016	5/31/2020	<input type="checkbox"/>
Midlands, Board	Member	Miller, Kenya Carver Esq.	the Board of Directors	6/1/2011	5/31/2015	<input type="checkbox"/>
Midlands, Board	Member	Dayhuff, Travis Esq.	the Board of Directors	6/1/2010	5/31/2014	<input type="checkbox"/>
Midlands, Governor	Member	Masella, Robert M.P.	Governor Henry McMaster	6/14/2019	5/31/2023	<input type="checkbox"/>
MROP	Advisory Council Chair, Ex Officio Member	Mack, Eric	the Board of Directors	10/1/2010	9/30/2014	<input type="checkbox"/>
PAIDD Council	Advisory Council Chair, Ex Officio Member	Sassani, Leo	the Board of Directors	10/1/2013	9/30/2017	<input type="checkbox"/>
PAIMI Council	Advisory Council Chair, Ex Officio Member	de Holczer, Paul D. Esq.	the Board of Directors	10/1/2010	9/30/2014	<input type="checkbox"/>
Pee Dee, Board	Member	Wright, George	the Board of Directors	6/1/2012	5/31/2016	<input type="checkbox"/>
Pee Dee, Board	Member	Miller, Lyle	the Board of Directors	6/1/2011	5/31/2015	<input type="checkbox"/>
Pee Dee, Governor	Member	Chapman, Erika	Governor Henry McMaster	6/28/2019	5/31/2023	<input type="checkbox"/>
Piedmont, Board	Member	Thompson, Mike	the Board of Directors	6/1/2011	5/31/2015	<input type="checkbox"/>
Piedmont, Board	Member	Nichols-Graham, Kimaka	the Board of Directors	6/1/2010	5/31/2014	<input type="checkbox"/>
Piedmont, Governor	Member	Lynch, Bonnie A.	Governor Henry McMaster	8/3/2018	5/31/2022	<input type="checkbox"/>

Endnote (419) Figure 19. Screenshot from Secretary of State's website

⁴²⁰ S.C. Code Section 40-5-210. (State Board of Law Examiners. There is hereby created a State Board of Law Examiners. The Board of Law Examiners shall be appointed by the Supreme Court and shall have such duties as the court shall prescribe. The number of members of the board and the terms of the members shall be set by the Supreme Court. To be eligible for appointment to the board, a person must be actively engaged in the practice of law in South Carolina and must have been an active member of the South Carolina Bar for at least seven years. Members shall be eligible for reappointment. Should a vacancy occur, the court shall fill the vacancy for the unexpired term. At least one member from each congressional district must be appointed by the Supreme Court. HISTORY: 1962 Code Section 56-111; 1952 Code Section 56-111; 1942 Code Section 314; 1932 Code Section 314; Civ. P. '22 Section 270; Civ. C. '12 Section 3910; 1910 (26) 750; 1969 (56) 49; 2002 Act No. 307, Section 1.) See, also, S.C. Appellate Court Rules - Rule 402. Admission to Practice Law (k) Board of Law Examiners.

(1) Members. The Board of Law Examiners shall consist of members of the South Carolina Bar who are actively engaged in the practice of law in South Carolina and who have been members of the South Carolina Bar for at least seven (7) years. Members of the bar who are inactive members, judicial members, military members, administrative law judge or workers' compensation commission members, retired members, or limited members shall not be appointed to the Board. The Board members shall be appointed by the Supreme Court for three (3) year terms and shall be eligible for reappointment. At least one member shall be appointed from each Congressional District. In case of a vacancy on the Board, the Supreme Court shall appoint a member of the South Carolina Bar to serve the remainder of the unexpired term.

(2) Chair; Secretary. The Supreme Court shall appoint a chair from among the members of the Board of Law Examiners. The Clerk of the Supreme Court shall serve as secretary of the Board ex officio.

(3) Duties. The Board of Law Examiners shall conduct the Uniform Bar Examination (UBE) in South Carolina. The Board shall be responsible for grading the Multistate Performance Test (MPT) and the Multistate Essay Examination (MEE) portions of the examination. The Board shall develop a Course of Study on South Carolina Law that an applicant must successfully complete prior to being admitted under this rule. The content and method of delivery of this Course of Study shall be determined by the Board. The Board may promulgate rules and regulations including those relating to the accommodation of applicants with disabilities. These rules and regulations shall not become effective until at least ninety (90) days after they are approved by the Supreme Court.)

⁴²¹ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 15, 2020). As of May 2020 information from the Secretary of State's website noted the Committee on Character and Fitness - 12 total positions, ten expired and two vacant. The terms expired between March 1, 2014 and March 1, 2017. The Supreme Court is responsible for appointing all.

Committee on Character and Fitness

Statutes: SC Code §Rule 402(b), SCACR

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Attorney	Member	Smith, Albert V.	Supreme Court	2/23/2012	3/1/2017	<input type="checkbox"/>
Attorney	Member	Gipson, Byron E.	Supreme Court	12/16/2009	3/1/2014	<input type="checkbox"/>
Attorney	Member	Jackson, Connie P.	Supreme Court	12/16/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Tedeschi, Debra S.	Supreme Court	2/23/2012	3/1/2017	<input type="checkbox"/>
Attorney	Member	Shealy, Kirby D. III	Supreme Court	12/16/2009	3/1/2014	<input type="checkbox"/>
Attorney	Member	Applegate, Lydia B.	Supreme Court	1/21/2011	3/1/2016	<input type="checkbox"/>
Attorney	Member	Kappel, Matthew J.	Supreme Court	12/16/2009	3/1/2013	<input type="checkbox"/>
Attorney	Member	Hite, Thomas E. Jr.	Supreme Court	12/1/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Olmert, Travis V.	Supreme Court	12/16/2009	3/1/2015	<input type="checkbox"/>
Attorney	Member	Wall, Susan T.	Supreme Court	1/21/2011	3/1/2016	<input type="checkbox"/>
Attorney	Member	VACANT				<input type="checkbox"/>
Attorney	Member	VACANT				<input type="checkbox"/>

Endnote (421) Figure 20. Screenshot from Secretary of State's website

⁴²² S.C. Code Section 44-9-90(7).

⁴²³ S.C. Code Section 44-9-30.

⁴²⁴ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 15, 2020). As of May 2020 information from the Secretary of State's website noted the Mental Health Commission had seven total members, of which three are vacant and one expired March 2018. S.C. Code Section 44-9-30 (Creation of South Carolina Mental Health Commission; appointment and terms of members; removal; duties; expenses.

(A)(1) There is created the governing board for the State Department of Mental Health known as the South Carolina Mental Health Commission. The commission shall consist of seven members, one from each congressional district, appointed by the Governor, upon the advice and consent of the Senate.

(2) The Governor shall consider consumer and family representation when appointing members.

(B) The members serve for terms of five years and until their successors are appointed and qualify. The terms of no more than two members may expire in one year. The Governor may remove a member pursuant to the provisions of Section 1-3-240. A vacancy must be filled by the Governor for the unexpired portion of the term.

(C) The commission shall determine policies and promulgate regulations governing the operation of the department and the employment of professional and staff personnel.

(D) The members shall receive the same subsistence, mileage, and per diem provided by law for members of state boards, committees, and commissions. HISTORY: 1962 Code Section 32-919; 1964 (53) 2078; 1967 (55) 699; 1991 Act No. 33, Section 1; 1993 Act No. 181, Section 1071; 2012 Act No. 222, Section 12, eff June 7, 2012.)

South Carolina Mental Health Commission

Statutes: SC Code §44-9-30

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	VACANT				<input type="checkbox"/>
2nd Congressional District	Member	Pearce, L. Gregory Jr.	Governor Henry McMaster	3/15/2019	3/21/2022	<input type="checkbox"/>
3rd Congressional District	Member	Hiott, Robert E. Jr.	Governor Nikki R. Haley	4/7/2016	3/21/2021	<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	VACANT				<input type="checkbox"/>
6th Congressional District	Member	Haynes, Louise	Governor Nikki R. Haley	4/13/2016	3/14/2018	<input type="checkbox"/>
7th Congressional District	Member	Evans, Alison Y.	Governor Henry McMaster	4/12/2019	7/31/2023	<input type="checkbox"/>

Endnote (424) Figure 21. Screenshot from Secretary of State's website

⁴²⁵ S.C. Code Section 46-5-20.

⁴²⁶ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the Agriculture Commission had 18 positions (1 ex officio), with 9 expired terms. S.C. Code Section 46-5-10 (Commission created; membership; terms; officers; election of members; vacancies; meetings. There is created the Agriculture Commission of South Carolina, to be composed of one member from each judicial circuit and one member from the State at large who shall be designated chairman. The Commissioner of Agriculture shall be a member, ex officio, but without the power to vote. All terms shall be for four years, except that of the chairman, who shall be appointed by the Governor and whose term shall be coterminous with the office of the Governor appointing. The chairman shall be an agricultural producer or grower of agricultural products. The member representing a judicial circuit shall be elected by the legislative delegations representing the circuit. Representation on the Commission shall be rotated among the counties of the circuit except by unanimous consent of all members of the legislative delegation representing the circuit. The Commissioner of Agriculture shall serve as secretary to the Commission. No one shall be appointed or elected who should attain the mandatory retirement age prior to the expiration of his term.

The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the Commission to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person shall be declared elected who shall fail to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they deem proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the Agriculture Commission of South Carolina. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient warrant to such person to perform all of the duties and functions of his office.

Any vacancy shall be filled in the manner as prescribed herein by election by the legislative delegations of the judicial circuit for the unexpired portion of the term.

The Commission shall meet on the call of the chairman or a majority of the members. HISTORY: 1962 Code Section 3-20.51; 1968 (55) 2663; 1981 Act No. 46; 1991 Act No. 248, Section 6, effective January 1, 1992, and governs only transactions which take place after December 31, 1991.)

Agriculture Commission

Statutes: SC Code §46-5-10

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
10th Judicial Circuit	Member	Orr, Bradley Wilson	Legislative Delegation for the 10th Judicial Circuit	2/20/2019	2/1/2023	<input type="checkbox"/>
11th Judicial Circuit	Member	Carr, Chalmers	Legislative Delegation for the 11th Judicial Circuit	5/2/2001	5/2/2005	<input type="checkbox"/>
12th Judicial Circuit	Member	Gibson, Michael	Legislative Delegation for the 12th Judicial Circuit	3/28/2008	3/28/2012	<input type="checkbox"/>
13th Judicial Circuit	Member	Looper, Franklin	Legislative Delegation for the 13th Judicial Circuit	6/30/1995	6/30/1999	<input type="checkbox"/>
14th Judicial Circuit	Member	Sanders, Ross "Mac" Jr.	Legislative Delegation for the 14th Judicial Circuit	2/3/2004	2/3/2005	<input type="checkbox"/>
15th Judicial Circuit	Member	Andrew, James Benjie	Legislative Delegation for the 15th Judicial Circuit	4/11/2019	2/8/2023	<input type="checkbox"/>
16th Judicial Circuit	Member	Hicks, Lewis W.	Legislative Delegation for the 16th Judicial Circuit	12/11/2017	1/30/2022	<input type="checkbox"/>
1st Judicial Circuit	Member	Shirer, Michael Perry	Legislative Delegation for the 1st Judicial Circuit	2/4/2015	12/31/2018	<input type="checkbox"/>
2nd Judicial Circuit	Member	Still, Stephen Cooper	Legislative Delegation for the 2nd Judicial Circuit	1/23/2020	10/21/2023	<input type="checkbox"/>
3rd Judicial Circuit	Member	Eaddy, Mac	Legislative Delegation for the 3rd Judicial Circuit	10/9/2019	10/1/2023	<input type="checkbox"/>
4th Judicial Circuit	Member	Robeson, Robert Barton	Legislative Delegation for the 4th Judicial Circuit	5/7/2015	12/31/2019	<input type="checkbox"/>
5th Judicial Circuit	Member	Lanham, J. Thomas	Legislative Delegation for the 5th Judicial Circuit	9/16/2013	9/16/2017	<input type="checkbox"/>
6th Judicial Circuit	Member	Thrallkill, C.E.	Legislative Delegation for the 6th Judicial Circuit	2/5/2020	2/4/2021	<input type="checkbox"/>
7th Judicial Circuit	Member	Gramling, Ben M. II	Legislative Delegation for the 7th Judicial Circuit	3/1/2007	3/1/2011	<input type="checkbox"/>
8th Judicial Circuit	Member	Abercrombie, Billy Ray	Legislative Delegation for the 8th Judicial Circuit	1/13/2015	1/13/2019	<input type="checkbox"/>
9th Judicial Circuit	Member	McKoy, Adair M. IV	Legislative Delegation for the 9th Judicial Circuit	3/7/2019	12/31/2022	<input type="checkbox"/>
At Large	Member	Price, Frances	Governor	3/10/2011		<input checked="" type="checkbox"/>
Ex Officio	Commissioner of Agriculture					<input checked="" type="checkbox"/>

Endnote (426) Figure 20. Screenshot from Secretary of State's website

⁴²⁷ S.C. Code Section 63-19-1820.

⁴²⁸ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the Juvenile Parole Board, which has seven total members, six of which were serving in expired terms. The terms were expired between one year and four years. S.C. Code Section 63-19-610 (Board. (A)(1) There is created the Board of Juvenile Parole. The parole board is composed of seven members appointed by the Governor with the advice and consent of the Senate. In making these appointments, the Governor shall select members who are representative of the racial, gender, and geographical diversity of the State. If a vacancy occurs on the parole board when the Senate is not in session, the Governor may appoint a member to fill the vacancy and the appointee is a de facto member until the Senate acts upon the appointment.

(2) The Department of Juvenile Justice shall continue to provide to the Board of Juvenile Parole the budgetary, fiscal, personnel, and training information resources and other support considered necessary by the parole board to perform its mandated functions.

(B) Members of the parole board shall serve four-year terms and until their successors are appointed and qualify and these terms expire on June thirtieth of the appropriate year.

(C) No member may be reappointed to the parole board until two years after the expiration of a full four-year term. HISTORY: 2008 Act No. 361, Section 2; 2012 Act No. 279, Section 31, eff June 26, 2012.)

Juvenile Parole Board

Statutes: SC Code §63-19-610

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
At Large	Member	Douglas, Oscar L.	Governor Nikki R. Haley	2/12/2015	6/30/2018	<input type="checkbox"/>
At Large	Member	Mishoe, Barbara W.	Governor	8/31/2012	6/30/2016	<input type="checkbox"/>
At Large	Member	Chandler, Lesa T.	Governor Nikki R. Haley	2/12/2015	6/30/2018	<input type="checkbox"/>
At Large	Member	Smalls, Carla J.	Governor Nikki R. Haley	3/6/2015	6/30/2019	<input type="checkbox"/>
At Large	Member	Reid, Robert J.	Governor	8/31/2012	6/30/2016	<input type="checkbox"/>
At Large	Member	Prosser, Suzanne S.	Governor Henry McMaster	5/5/2017	6/30/2019	<input type="checkbox"/>
At Large	Member	McKellar, Kenneth D.	Governor Henry McMaster	5/14/2019	6/30/2023	<input type="checkbox"/>

Endnote (428) Figure 21. Screenshot from Secretary of State's website

⁴²⁹ S.C. Code Section 41-43-30 (South Carolina Jobs - Economic Development Authority created; status; governance by Board of Directors; composition of board. There is created the South Carolina Jobs-Economic Development Authority, a public body corporate and politic and an agency of the State, with the responsibility of effecting the public purposes of this act. The authority is governed by a Board of Directors (board) which consists of ten members. HISTORY: 1983 Act No. 145 Section 4; 1991 Act No. 248, Section 6, effective January 1, 1992; 2012 Act No. 279, Section 14, eff June 26, 2012. See, also, S.C. Code Section 41-43-40 (Appointment and qualifications of directors; ex officio members; terms. The Governor shall appoint, upon the advice and consent of the Senate, one director from each congressional district and one from the State at large, who serves as chairman. Directors must have experience in the fields of business, commerce, finance, banking, real estate, or foreign trade. At least two directors must have direct commercial lending experience. The Governor and the Chairman of the State Development Board shall serve ex officio and may designate persons to represent them at meetings of the authority. Directors serve for terms of three years; however, directors initially appointed from the first and sixth congressional districts and the State at large serve for three years; directors initially appointed from the second and fifth congressional districts serve for two years; and directors initially appointed from the third and fourth congressional districts serve for one year. Thereafter, all directors serve for a term of three years and until their successors are appointed and qualify. All vacancies must be filled for the unexpired term in the manner of the original appointment. Directors are not personally liable for losses unless the losses are occasioned by the wilful misconduct of the directors. Directors may be removed by the Governor for cause or at will. A certificate of the appointment or reappointment of any director must be filed in the offices of the Secretary of State and the authority. The certificate is conclusive evidence of the due and proper appointment of a director. HISTORY: 1983 Act No. 145 Section 5; 1991 Act No. 248, Section 6, effective January 1, 1992.) See also, S.C. Code Section 41-43-70 (Functions and duties of the authority generally. The authority shall promote and develop the business and economic welfare of this State, encourage and assist through loans, investments, research, technical and managerial advice, studies, data compilation and dissemination, and similar means, in the location of new business enterprises in this State and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within the State, so as to provide maximum opportunities for creation and retention of jobs and improvement of the standard of living of the citizens of the State, and act in conjunction with other persons and organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational development in this State. In the promotion, development, and advancement of these programs, the authority must give consideration to the development of and assistance to small businesses in this State as may be defined by regulation of the authority. HISTORY: 1983 Act No. 145 Section 8.)

⁴³⁰ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches," <https://search.scsos.com/boardsandcommissions> (accessed May 18, 2020). As of May 2020 information from the Secretary of State's website noted the Jobs-Economic Development Authority had 100% of the eight non-ex-officio positions vacant (3) or expired (5). Terms expired between one and five years ago.

South Carolina Jobs-Economic Development Authority

Statutes: SC Code §41-43-40

Members						
Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date	Coterm/At Pleasure Of
1st Congressional District	Member	Peacock, W. Warner	Governor Nikki R. Haley	3/6/2015	7/27/2018	<input type="checkbox"/>
2nd Congressional District	Member	Drake, William R. "Bucky"	Governor Nikki R. Haley	2/12/2015	7/27/2018	<input type="checkbox"/>
3rd Congressional District	Member	VACANT				<input type="checkbox"/>
4th Congressional District	Member	VACANT				<input type="checkbox"/>
5th Congressional District	Member	Thompson, Gregory A.	Governor Nikki R. Haley	6/17/2015	7/12/2018	<input type="checkbox"/>
6th Congressional District	Member	VACANT				<input type="checkbox"/>
7th Congressional District	Member	Swink, Henry M.	Governor	5/8/2013	7/27/2015	<input type="checkbox"/>
At Large	Chairman	Nix, Michael W.	Governor Nikki R. Haley	4/22/2016	7/27/2019	<input type="checkbox"/>
Ex Officio	Governor's Designee	Lowrey, Felton	Governor Nikki R. Haley	12/30/2013		<input checked="" type="checkbox"/>
Ex Officio	Secretary, Department of Commerce	Hitt, Robert M. III		1/13/2011		<input checked="" type="checkbox"/>
Executive Director	Executive Director	Huntley, Harry A.	Board of Directors, South Carolina Jobs-Economic Development Authority	3/3/2009		<input checked="" type="checkbox"/>

Endnote (430) Figure 22. Screenshot from Secretary of State's website

⁴³¹ S.C. Code Section 41-43-40.

⁴³² Melissa Dunlap, Deputy Director and Chief Legal Counsel for Secretary of State's Office, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, June 9, 2020. Hereinafter, "June 9, 2020, email."

⁴³³ Ibid.

⁴³⁴ Examples include: information appointing authorities provide boards, boards provide the Secretary of State's Office, and the Secretary of State's Office publishes online for the General Assembly and public.

⁴³⁵ Examples include: State Advisory Committee on the Regulation of Childcare Facilities; Board of Directors of Protection & Advocacy for People with Disabilities, Inc.

⁴³⁶ March 30, 2020 email.

⁴³⁷ Note: Knowing which positions are continuously vacant, or have been vacant for many years, may assist the General Assembly in its continual analysis of which boards are still active and needed, versus ones that are inactive and possibly no longer necessary in statute.

⁴³⁸ S.C. Secretary of State's Office, "Search South Carolina State Boards and Commissions," under "Searches,"

<https://search.scsos.com/boardsandcommissions> (accessed May 7, 2020).

⁴³⁹ S.C. House of Representatives, House Legislative Oversight Committee, Full Committee's 2019 Study of the Aeronautics Commission," under "Aeronautics Commission" under "Full and Subcommittee Reports,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AeronauticsCommission/SCAC%20Full%20Committee%20Study%20Report%20-%20Full%20Report.pdf> (accessed October 1, 2020). See recommendation #2 on page 19. Note: When the Secretary of State's Office was asked if it could provide end dates for board and commission member terms since the dates are outlined in statute, instead of relying on the board or commission to provide that information, the agency stated it does "not think [its] office is the best party to determine expiration dates," as it believes its "role is to monitor positions, not to define their terms." Additionally, the agency was not in favor due to its limited staff. Therefore, the best opportunity may be to post links to the direct statutory language to assist the boards and commissions that provide information to the Secretary of State's Office. See, also, Secretary of State response to Subcommittee (January 17, 2020). See Question 10 (The Secretary of State will follow the requirements set forth in statute. However, we do not think our office is the best party to determine expiration dates. Our role is to monitor positions, not to define their terms. The Secretary of State believes the appointing authority is in the best position to determine the term dates when making an appointment. In addition, the Division of Notaries, Authentications, Boards and Commissions has a staff of three people who, in addition to processing boards and commissions appointments, process notary applications, authentications requests, and election results, among other duties.)

⁴⁴⁰ Secretary of State response to Subcommittee (January 17, 2020). See Question 5.

⁴⁴¹ See S.C. Code Section 1-1-1310. See, also, S.C. Code Section 1-5-40(B). Note: The Secretary of State is statutorily required to provide information on the length of term for each office, any qualifications including, but not limited to, residency requirements or limitations required for a particular vacancy; and information received from state boards or commissions, who are required to provide the Secretary of State information on whether a member is eligible to receive compensation for his service.

⁴⁴² S.C. Secretary of State's Office, "Vacancies & Expired Term List," under "Boards and Commissions Search," and under "Searches,"

https://search.scsos.com/files/Web_PositionVacancyAndExpiredTerms_list.pdf (accessed May 12, 2020).

⁴⁴³ Ibid.

⁴⁴⁴ S.C. Secretary of State's Office, "Search Board members, Appointment Type, or District," under "Boards and Commissions Search," and under "Searches,"

https://search.scsos.com/files/Web_PositionVacancyAndExpiredTerms_list.pdf (accessed May 12, 2020).

⁴⁴⁵ Secretary of State response to Subcommittee (January 17, 2020). See Question 2.

⁴⁴⁶ Ibid.

⁴⁴⁷ S.C. Code Section 1-5-40(C).

⁴⁴⁸ Secretary of State response to Subcommittee (October 23, 2019). See Question 6.

⁴⁴⁹ Senate Legislative Oversight Committee Report on S.C. Secretary of State's Office (September 2019). See page 9 (As of June 9, 2017, 424 vacancies and 880 serving in expired terms.) See, also, Secretary of State response to Subcommittee (January 17, 2020). See Questions 8 and 12 (811 serving in expired terms, 473 vacant, and 1,740 filled and not expired). See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 45 (as of December 9, 2019, there were over 840 individuals with expired terms; as of December 4, 2019, there were over 450 vacant seats).

⁴⁵⁰ Senate Legislative Oversight Committee Report on S.C. Secretary of State's Office (September 2019). See pages 2 and 9 ("Agency Recommendation: The Secretary of State's Office should contact agencies, preferably by email, related to boards or commissions with vacancies or members serving in expired terms. These agencies can, in turn, request the appointing authority to appoint, reappoint or elect appropriate persons to those seats.")

⁴⁵¹ Secretary of State response to Subcommittee (January 17, 2020). See Question 3.

⁴⁵² Note: At least to the extent an individual could submit a request for the type of information they wish to receive, frequency with which they would like to receive it, and address to which they would like it sent.

⁴⁵³ March 30, 2020 email.

See, also, June 9, 2020, email (We could provide each clerk with a total list of General Assembly appointments as well as a list of appointments by judicial circuit and congressional district. We could do the same by district and circuit for Governor appointments since many of those involve recommendations by delegations. However, it would still be incumbent upon the individual legislators to know which lists apply to them as we do not have a means of determining by individual legislator or state district [and since boards and commissions are usually structured by congressional district or judicial circuit when not at large].)

See, also, Secretary of State response to Subcommittee (October 23, 2019). See Question 11 (Agency also states it would be willing to work with the Clerks of the House and Senate to provide the information as it would be helpful to have a single point of contact in providing the information to all elected officials. This would be beneficial to ensure that information for appointments based on congressional district is provided to the correct members of the General Assembly.)

⁴⁵⁴ Secretary of State response to Subcommittee (December 4, 2019). See Question 13 (What are the most common complaints received? The most common complaint received is failure of a charity to register with the Secretary of State's Division of Public Charities.). See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 14 (How does the agency use the information it receives from the complaints? Upon receipt of a complaint, the agency first determines if the Solicitation of Charitable Funds Act applies to the organization or person that is the subject of the complaint. If so, staff determines if the organization is properly registered to solicit or has any other outstanding filing deficiencies. If the allegations in the complaint indicate misrepresentation or failure to disclose statutorily required information, staff will review solicitation materials and financial records to determine if a violation has occurred. The results of an investigation may lead to issuance of a notice of violation, notice of administrative fine, notice of suspension, or the filing of a petition for injunctive relief with the Administrative Law Court.)

⁴⁵⁵ March 30, 2020 email.

⁴⁵⁶ Ibid.

⁴⁵⁷ Note: Angel charities are organizations that exemplify charitable giving in the state, with selections based on a review of financial reports as well as nominated from the public.

⁴⁵⁸ Secretary of State response to Subcommittee (January 17, 2020). See Question 1.

⁴⁵⁹ Ibid.

⁴⁶⁰ Ibid.

⁴⁶¹ October 28, 2019 Minutes and Video. See archived video at 02:06:35.

⁴⁶² Secretary of State response to Subcommittee (December 4, 2019). See Question 39. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 38 (For each of the last three years, how many charges were made in South Carolina for distribution, trafficking, and production of counterfeit marks? How many of those charges have resulted from SoS investigations? Unfortunately, our office does not have data on the total number of charges made in South Carolina for distribution, trafficking, and production of counterfeit marks unless the charges related to investigations in which the Secretary of State's Office was involved. Below is information from the last three fiscal years on charges made from investigations in which Secretary of State's Office staff participated:

FY 2016-2017: 15 total charges for counterfeiting

- 9 suspects were charged with Distribution
- 6 suspects were charged with Trafficking

FY 2017-2018: 10 total charges for counterfeiting

- 7 suspects were charged with Distribution
- 3 suspects were charged with Trafficking, including 2 suspects charged federally under 18 USC 2320

FY 2018-2019: 4 total charges for counterfeiting

- 4 suspects were charged with Distribution).

⁴⁶³ Charities and trademarks (October 28, 2019). See slide 151.

⁴⁶⁴ S.C. Code Section 1-1-1310 (Each state board and commission must send written notification to the Secretary of State's Office of any appointment, election, resignation, or vacancy in the membership of its board or commission. The notification must be sent within two weeks of the appointment, election, resignation, or vacancy and must include:

(1) the governing statute or Executive Order authorizing the appointment or election;

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- (2) the board or commission's address, phone number, fax number, and e-mail address, if any;
 - (3) the member's name;
 - (4) the member's district, circuit, seat, or position, if applicable;
 - (5) when the member's term begins and ends;
 - (6) the qualifications for membership on the board or commission and any specific requirements for the member's position;
 - (7) whether the member is eligible to receive compensation for his service;
 - (8) the name of the former member; and
 - (9) in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent. HISTORY: 2002 Act No. 182, Section 1)⁴⁶⁵ S.C. Code Section 1-1-1310 (Each state board and commission must send written notification to the Secretary of State's Office of any appointment, election, resignation, or vacancy in the membership of its board or commission. The notification must be sent within two weeks of the appointment, election, resignation, or vacancy and must include:
 - (1) the governing statute or Executive Order authorizing the appointment or election;
 - (2) the board or commission's address, phone number, fax number, and e-mail address, if any;
 - (3) the member's name;
 - (4) the member's district, circuit, seat, or position, if applicable;
 - (5) when the member's term begins and ends;
 - (6) the qualifications for membership on the board or commission and any specific requirements for the member's position;
 - (7) whether the member is eligible to receive compensation for his service;
 - (8) the name of the former member; and
 - (9) in the case of an appointment or election, whether it is a reappointment or reelection of an incumbent. HISTORY: 2002 Act No. 182, Section 1).

⁴⁶⁶ Secretary of State response to Subcommittee (January 17, 2020). See Question 6. Note: The Secretary of State's Office lists membership on some national commissions, for which the Governor makes appointments of individuals to represent the state on the national commission. These national commissions may not know they are to notify the S.C. Secretary of State's Office when there are new appointments, vacancies, etc. Therefore, it may be more effective to have the appointing entity notify the Secretary of State's Office.

⁴⁶⁷ Secretary of State response to Subcommittee (January 17, 2020). See Question 6.

⁴⁶⁸ S.C. Code Section 1-5-40(B). Note, the statute was amended in 2002 to require the Secretary of State not only maintain the information, but maintain it in a public record available for inspection.

⁴⁶⁹ S.C. Code Section 1-5-40(B).

⁴⁷⁰ Secretary of State response to Subcommittee (January 17, 2020). See Question 10 (The Secretary of State will follow the requirements set forth in statute. However, we do not think our office is the best party to determine expiration dates. Our role is to monitor positions, not to define their terms. The Secretary of State believes the appointing authority is in the best position to determine the term dates when making an appointment. In addition, the Division of Notaries, Authentications, Boards and Commissions has a staff of three people who, in addition to processing boards and commissions appointments, process notary applications, authentications requests, and election results, among other duties.)

⁴⁷¹ *Ibid.*

⁴⁷² S.C. Code Section 30-11-10 et seq. (Title 30 Public Records, Chapter 11 Recordation of Deeds and Documents of Railroads). See, also, S.C. Code Section 58-15-10 et seq. (Title 58 Public Utilities, Services and Carriers, Chapter 15 Railroad, Street Railway, Steamboat and Canal Companies). See, also, S.C. Code Section 58-17-10 et seq. (Title 58 Public Utilities, Services and Carriers, Chapter 17 The General Railroad Law).

⁴⁷³ Secretary of State response to Subcommittee (January 17, 2020). See Question 26.

⁴⁷⁴ *Ibid.*

⁴⁷⁵ *Ibid.*

⁴⁷⁶ Charities and trademarks (October 28, 2019). See slide 148. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 36 (The Secretary of State's Office explains the difference in S.C. trademarks and federal trademarks as follows: A federal registration filed with the United States Patent and Trademark Office (USPTO) gives a registrant rights throughout the United States and its territories and possessions. A state trademark registration gives the registrant trademark rights only within the territory of the state. The language of 1994 Act 486, which enacted the state statutory framework for trademark registration, indicates that the legislative intent was "to provide a system of state trademark registration and protection substantially consistent with the federal system of trademark registration and protection under the Trademark Act of 1946, as amended. To that end, the construction given the federal act should be examined as persuasive authority for interpreting and construing this act." The cost of filing an application to register a trademark or service mark with the United States Patent and Trademark Office is over \$200.00, not including any possible additional fees or the cost to hire an attorney. In addition, according to the USPTO, the overall registration process can take up to a year or longer. Many people who only plan to use their mark in the state of South Carolina prefer to file at the state level due to its lower cost and quicker registration process.) See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 37 (Please provide the number of filings for each of the following, for each year, as far back to the initial passage of the applicable acts as is readily available to the agency: (a) Trademark registration fees - \$15.00 per class; (b) Trademark renewal fees - \$5.00 per application; (c) Trademark assignment fees - \$3.00 per application; and (d) Livestock brand registration fees - \$3.00 per application. Please see the attached data provided from 1987 forward, based upon calendar years:

Endnote (476) Table 3. Trademark Registration and Renewal Data and Livestock Brand Registration Data

Calendar Year	Number of Trademark Registrations	Number of Trademark Renewals	Number of Trademark Assignments	Number of Livestock Brand Registrations
1987	340			
1988	316			3
1989	414			4
1990	405			2

1991	298			11
1992	299			4
1993	349			8
1994	582			18
1995	738	1		7
1996	534	1	2	5
1997	495			8
1998	496			4
1999	600			4
2000	631	5		14
2001	659	1		11
2002	795			6
2003	815			6
2004	673	2		11
2005	425		2	
2006	702	2	1	7
2007	629	15		11
2008	611	166		8
2009	592	126		6
2010	646	124		5
2011	715	137	1	3
2012	630	168	6	2
2013	547	172	33	11
2014	622	112	37	2
2015	588	135	19	15
2016	628	171	16	19
2017	586	152	40	18
2018	563	170	18	21
2019	530	136	13	20

⁴⁷⁷ Charities and trademarks (October 28, 2019). See slide 148. See, also, Secretary of State response to Subcommittee (December 4, 2019). See Question 37.

⁴⁷⁸ S.C. Code Section 41-25-10, et. al. See, also, Secretary of State PER. See Law Recommendations, Law Recommendation #6.

⁴⁷⁹ Secretary of State PER. See Law Recommendations, Law Recommendation #6.

⁴⁸⁰ Secretary of State response to Subcommittee (January 17, 2020). See Question 41 (Although S.C. Code Section 41-25-110 permits multiple agencies and private individuals to enforce the Act, the Secretary of State's Office is unaware of any enforcement or regulatory actions taken by other agencies or individuals.)

⁴⁸¹ Secretary of State response to Subcommittee (January 17, 2020). See Question 45.

⁴⁸² December 9, 2020 Minutes and Video. See archived video at 0:45:05.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid. (The Act does not allow the licensing of a limited liability company (LLC) as an employment agency because the Act was passed before there were LLC's in South Carolina.)

⁴⁸⁵ Secretary of State PER. See Law Recommendations, Law Recommendation #6.