

## Session 115 - (2003-2004)

### H 4055 General Bill, By Harrison

#### Summary: Registration and Election Commissions

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-15 SO AS TO PROVIDE THAT ALL MEMBERS OF COUNTY BOARDS OF REGISTRATION, COUNTY ELECTION COMMISSIONS, AND COMBINED COUNTY BOARDS OF REGISTRATION AND ELECTIONS COMMISSIONS MUST BE APPOINTED FOR TERMS OF TWO YEARS; BY ADDING SECTION 7-5-25 SO AS TO PROVIDE THAT MEMBERS OF COUNTY BOARDS OF REGISTRATION, COUNTY ELECTION COMMISSIONS, AND COMBINED COUNTY BOARD OF REGISTRATION AND ELECTIONS WHOSE COMMISSIONS DO NOT COMPLETE OR MAKE SATISFACTORY PROGRESS TOWARD COMPLETING CERTIFICATION AND TRAINING REQUIREMENTS MUST BE REMOVED FROM OFFICE BY THE GOVERNOR; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 7 SO AS TO PROVIDE FOR AN ELECTION TO BE CONDUCTED IN EVERY EVEN AND ODD-NUMBERED YEAR TO FILL SEATS OF ALL ELECTED BODIES WHOSE ELECTIONS TO FILL THOSE SEATS ARE PROVIDED BY LAW AT A TIME OTHER THAN AT THE TIME OF THE GENERAL ELECTION AND REQUIRE GOVERNING BODIES AND COUNTIES CONDUCTING A REFERENDUM TO AUTHORIZE GENERAL OBLIGATION DEBT TO CONDUCT THE REFERENDUM AT THE TIME OF THE GENERAL ELECTION OR ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN AN ODD-NUMBERED YEAR; BY ADDING SECTION 7-13-470 SO AS TO REQUIRE A REFERENDUM ON THE QUESTION OF RAISING THE MILLAGE LIMIT OF A GOVERNING BODY MUST BE HELD EITHER AT THE TIME OF THE GENERAL ELECTION OR THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR; BY ADDING SECTION 7-13-1115 SO AS TO PROVIDE A PROCEDURE FOR HAND COUNTS IF A VOTING MACHINE MALFUNCTIONS AND TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH POLICIES AND PROCEDURES FOR LOCAL COMMISSIONS TO FOLLOW WHEN HAND COUNTS ARE CONDUCTED; BY ADDING SECTION 7-13-1885 SO AS TO REQUIRE THE ENTITY CHARGED BY LAW WITH CONDUCTING THE ELECTION TO REPORT THE AGGREGATE NUMBER OF ELECTORS SIGNING THE POLL LIST TO THE STATE ELECTION COMMISSION; BY ADDING SECTION 7-15-335 SO AS TO PROVIDE THAT BEFORE EACH ELECTION, THE COUNTY BOARD OF REGISTRATION OR ITS DESIGNEE SHALL OFFER QUALIFIED RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES THE OPPORTUNITY TO APPLY FOR ABSENTEE BALLOTS; BY ADDING SECTION 7-15-480 SO AS TO AUTHORIZE A COUNTY BOARD OF REGISTRATION TO USE OTHER MEANS OF VOTING ABSENTEE INSTEAD OF BY PAPER BALLOT IF CERTIFIED BY THE STATE ELECTION COMMISSION AND TO AUTHORIZE THE COMMISSION TO ESTABLISH STANDARDS AND GUIDELINES TO EFFECTUATE THE PROVISIONS OF THIS SECTION; BY ADDING SECTION 7-17-75 SO AS TO REQUIRE THAT WHEN A LOSING CANDIDATE PROTESTS AN ELECTION ON ANY GROUNDS, OTHER THAN ON THE DISPARITY OF THE NUMBER OF BALLOTS CAST, THAT CANDIDATE SHALL PAY ALL COSTS ASSOCIATED WITH THE PROTEST INCLUDING COSTS INCURRED BY THE STATE OR COUNTY ELECTION COMMISSION TO THE WINNING CANDIDATE IF THE BOARD HEARING THE PROTEST DETERMINES THAT THE PROTEST IS FRIVOLOUS AND WITHOUT MERIT; TO AMEND SECTION 7-13-190, AS AMENDED, RELATING TO CONDUCTING A SPECIAL ELECTION TO FILL A VACANCY IN OFFICE, SO AS TO PROVIDE THAT IF A SPECIAL ELECTION IS SCHEDULED TO BE HELD NO MORE THAN FIFTEEN DAYS AFTER A GENERAL ELECTION, THE SPECIAL ELECTION MUST BE HELD ON THE SAME DAY AS THE GENERAL ELECTION; TO AMEND SECTION 7-13-860, AS AMENDED, RELATING TO THE APPOINTMENT, QUALIFICATIONS, IDENTIFICATION, AND CONDUCT OF POLL WATCHERS, SO AS TO REQUIRE THE WATCHER TO BE A QUALIFIED VOTER OF THE STATE RATHER THAN THE COUNTY WHERE HE IS TO WATCH; TO AMEND SECTION 7-13-1120, RELATING TO THE DISPOSITION OF IMPROPERLY MARKED BALLOTS, SO AS TO PROVIDE THAT IF A HAND COUNT IS CONDUCTED PURSUANT TO THE PROVISIONS OF SECTION 7-13-1115, THE INTENT OF THE VOTER MUST BE CLEAR FROM THE FACE OF THE BALLOT PURSUANT TO POLICIES AND PROCEDURES ESTABLISHED BY THE STATE ELECTION COMMISSION; TO AMEND SECTION 7-13-1340, AS AMENDED, RELATING TO THE REQUIREMENT OF VOTE RECORDERS, SO AS TO ADD REFERENCES TO OPTICAL SCAN VOTING DEVICES AND DELETE PROVISIONS REQUIRING SEPARATE VOTES FOR PRESIDENT; TO AMEND SECTION 7-15-330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO PROVIDE THAT ANY FORM FOR REQUESTING AN APPLICATION FOR AN ABSENTEE BALLOT MUST BE APPROVED BY THE STATE ELECTION COMMISSION BEFORE USE, AND TO FURTHER PROVIDE THAT A PERSON WHO REPRESENTS HIMSELF AS AN AUTHORIZED REPRESENTATIVE FOR A QUALIFIED ELECTOR AND WHO SIGNS AN OATH IN VIOLATION OF SECTION 7-25-190 IS SUBJECT TO THE PENALTIES FOR THAT OFFENSE.

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