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**H. 4655**

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Sponsors: Reps. J.E. Smith and Clemmons

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Summary: Director of Elections and Registration

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[2/19/2014](file:///p:\pprever\2013-14\4655_20140219.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-30-97 SO AS TO TRANSFER THE FUNCTIONS, POWERS, AND DUTIES OF COUNTY BOARDS OF REGISTRATION, COUNTY ELECTION COMMISSIONS, OR COUNTY BOARDS OR COMMISSIONS OF ELECTIONS AND REGISTRATION TO A DIRECTOR OF ELECTIONS AND REGISTRATION FOR EACH COUNTY AND TO PROVIDE THAT THE DIRECTOR IS A STATE EMPLOYEE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION; TO AMEND SECTIONS 7‑3‑20 AND 7‑3‑30, BOTH AS AMENDED, 7‑3‑50, 7‑5‑35, AS AMENDED, 7‑5‑125, 7‑5‑155, AND 7‑5‑180, ALL AS AMENDED, 7-5-186, 7‑5‑330, 7‑5‑470, 7‑5‑660, ARTICLE 3, CHAPTER 7, TITLE 7, 7-7-990, 7‑11‑15, AND 7-11-50, ALL AS AMENDED, 7‑11‑70, 7‑11‑85, 7‑13‑15, AS AMENDED, 7‑13‑40,7‑13‑50, AND 7‑13‑70, ALL AS AMENDED, 7‑13‑72, 7‑13‑180, 7‑13‑320, AS AMENDED, 7‑13‑340, 7‑13‑351 AND 7‑13‑355, BOTH AS AMENDED, 7‑13‑420, 7‑13‑610 AND 7-13-710, BOTH AS AMENDED, 7‑13‑1330, AS AMENDED, 7‑13‑1390, 7‑13‑1490, 7‑13‑1620, AS AMENDED, 7‑15‑320, 7‑15‑385, AND 7‑15‑400, ALL AS AMENDED, 7‑15‑470, 48‑11‑100, AND 61‑6‑2010, AS AMENDED, ALL SO AS TO CONFORM THE PROVISIONS REGARDING THE TRANSFER OF THE FUNCTIONS, POWERS, AND DUTIES OF COUNTY BOARDS OF REGISTRATION, COUNTY ELECTION COMMISSIONS, OR COUNTY BOARDS OR COMMISSIONS OF ELECTIONS AND REGISTRATION TO A DIRECTOR OF ELECTIONS AND REGISTRATION FOR EACH COUNTY UNDER THE SUPERVISION OF THE STATE ELECTION COMMISSION AND CREATE AN OFFICE OF THE DIRECTOR OF ELECTIONS AND REGISTRATION IN EACH COUNTY; BY ADDING SECTION 7-27-140 SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION SHALL APPOINT A DIRECTOR OF ELECTIONS AND REGISTRATION IN EACH COUNTY, TO PROVIDE THAT THE DIRECTOR IS A STATE EMPLOYEE OF THE STATE ELECTION COMMISSION, AND TO PROVIDE FOR THE DUTIES OF THE DIRECTOR; TO PROVIDE FOR THE TRANSFERRING OF CERTAIN DUTIES TO THE COUNTY OFFICES OF DIRECTOR OF ELECTIONS AND REGISTRATION; AND TO PROVIDE FOR OFFICE SPACE AND OTHER EMPLOYEES OF THE OFFICE TO BE FUNDED BY THE SEVERAL COUNTIES; TO DIRECT THE CODE COMMISSIONER TO CORRECT REFERENCES TO FORMER BOARDS AND COMMISSIONS TO REFLECT THE TRANSFER OF THESE ENTITIES; AND TO REPEAL SECTION 7-5-10 AND ARTICLE 2, CHAPTER 27, TITLE 7 RELATING TO COUNTY BOARDS OF REGISTRATION AND ELECTION COMMISSIONS.

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

SECTION 1. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑97. Effective January 1, 2016, the functions, duties, and powers of county boards of registration, county election commissions, or county boards or commissions of elections and registration by whatever name are transferred to and devolved upon a director of Elections and Registration for each county to be a state employee of the State Election Commission appointed by the executive director of the commission as provided in Section 7‑27‑140.”

SECTION 2. Section 7‑3‑20(C)(3), (4), as last amended by Act 466 of 1996 and (13), as added by Act 265 of 2012, of the 1976 Code, is amended to read:

“(3) enter names on the master file as they are reported by the county Office of Director of Elections and Registration ~~boards~~;

(4) furnish each county Office of Director of Elections and Registration ~~board~~ with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(13) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each ~~board of elections~~ county Office of Director of Elections and Registration and to other agencies as authorized by law.”

SECTION 3. Section 7‑3‑30 of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“Section 7‑3‑30. (a) The executive director shall notify by mail each elector at the address last filed in the office, whose name has been deleted for the reasons of conviction or a change in the residence of a qualified voter. The notice shall state the reason for the deletion and inform the elector of his right to appeal to the county ~~board of~~ Office of Director of Elections and Registration and the time in which to perfect his appeal. A copy of the notice must be forwarded to the appropriate county ~~board of registration~~ office.

(b) Each elector whose name has been deleted has twenty days from the date the notice is mailed to appeal. The appeal must be to the county ~~board of registration~~ office from whose master file the deletion has been made. If the ~~board~~ office determines that the elector’s name should not have been deleted, it shall instruct the executive director to restore his name to the registration books; however, if the deletion is for conviction, the appeal must be to the Executive Director of the State Election Commission.”

SECTION 4. Section 7‑3‑50 of the 1976 Code is amended to read:

“Section 7‑3‑50. Each county ~~board of~~ director of Elections and Registration must furnish the executive director information as may be requested by him concerning each registered elector by the fifteenth day of each month and within five days after closing of the books prior to an election.”

SECTION 5. Section 7‑5‑35 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑5‑35. (A) ~~If a county operates its elections through a combined election and registration commission, the structure and composition are not affected or changed by the provisions of this section. However, the provisions for inclusion of majority and minority party representatives upon the combined commission and upon the expanded commission as constituted for primary elections and protests must be applied to the combined commission, mutatis mutandis.~~

~~(B)(1)~~ Each ~~commissioner,~~ director of Elections and Registration of a county as established in Section 7‑27‑140 and each staff person designated by the ~~commission,~~ director must complete, within eighteen months after a ~~commissioner’s~~ director’s initial appointment or his reappointment after a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When ~~a commissioner~~ a director or staff person has successfully completed the training and certification program, the State Election Commission must issue the ~~commissioner~~ director or staff person a certification, whether or not the ~~commissioner~~ director or staff person applies for the certification.

~~(2)(a)~~ ~~The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b)~~ ~~Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i)~~ ~~eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii)~~ ~~ninety days after the effective date of this section.~~

~~(c)~~ ~~On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3)~~ ~~If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.~~

~~(4)~~(B) Following completion of the training and certification program required in ~~item (1)~~ subsection (A), each ~~commission member, and~~ staff person designated by the ~~commission,~~ director must take at least one training course each year.”

SECTION 6. Section 7‑5‑125 of the 1976 Code, as last amended by Act 27 of 2011, is further amended to read:

“Section 7‑5‑125. (A) Any person who applies for registration to vote and is found to be qualified by the ~~county board of~~ Office of Director of Elections and Registration in the county to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county ~~board of registration~~ office upon request in person, or by telephone or mail.”

SECTION 7. Section 7‑5‑155 of the 1976 Code, as last amended by Act 466 of 1996, is further amended to read:

“Section 7‑5‑155. (a) Notwithstanding any other provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the ~~provision~~ provisions of Section 7‑5‑150, any qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty days before any election to his registration ~~board~~ office. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the ~~county board of voter~~ Office of Director of Elections and Registration in the county must accept the application if it is received by mail no later than five days after the close of the registration books before any election.

(2) If the Office of Director of Elections and Registration in the county ~~board~~ determines that the applicant is qualified and his application is legible and complete, the ~~registration board~~ office shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180. When the ~~county board of registration~~ office mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the ~~board~~ office, a deputy member, or a registration clerk, and the attestation of the elector’s signature is not required so long as the conditions set forth above are met.

(3) Any application must be rejected for any of the following reasons:

(i) any portion of the application is not complete;

(ii) any portion of the application is illegible in the opinion of a member and the clerk of the ~~board~~ office;

(iii) the ~~board~~ office is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.

(4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the ~~board of registration~~ office or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180.

(b) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

(c) The State Election Commission shall furnish a sufficient number of application forms to ~~the county boards of voter~~ each county Office of Director of Elections and Registration and voter registration agencies specified in Section 7‑5‑310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

~~County boards of~~ The director of Elections and Registration shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

(d) The original applications must remain on file in the Office of ~~the county board of~~ Director of Elections and Registration.

(e) The State Election Commission may promulgate regulations to implement the provisions of this section.”

SECTION 8. Section 7‑5‑180 of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“Section 7‑5‑180. Except as otherwise provided by law, a person who has not attained the age of eighteen years before the closing of the books of registration preceding any election, including presidential primary elections, but attains that age before the next ensuing election appears before the ~~board of~~ Office of Director of Elections and Registration and makes application for registration, under oath as to the facts above stated entitling a person to registration, the ~~board~~ office shall register the applicant, if he is otherwise qualified. Any person not laboring under the disabilities named in the Constitution and in Section 7‑5‑120 and whose qualification as an elector is completed after the closing of the registration books, but before the next ensuing election, has the right to apply for and secure registration at any time within one hundred twenty days immediately preceding the closing of the books for the election or for the primary election preceding the election. Written notification of approval or rejection must be issued personally or mailed by the ~~board~~ office to each applicant on a form to be prescribed and provided by the State Election Commission. The decision of the ~~board of registration~~ office may be appealed as provided by Section 7‑5‑230.”

SECTION 9. Section 7‑5‑186 of the 1976 Code, as added by Act 265 of 2012, is amended to read:

“Section 7‑5‑186. (A)~~(1)~~ The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each ~~board of elections~~ county Office of Director of Elections and Registration and to other agencies as authorized by law.

~~(2)(a)~~(B)(1) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

~~(b)~~(2) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

~~(c)~~(3) ~~A county board of~~ The Office of Director of Elections and Registration in a county shall contact a registered elector by mail at the address on file with the ~~board~~ office to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection ~~(A)(2)(a)~~ (B)(1) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

~~(3)~~(C) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

SECTION 10. A. Section 7‑5‑330(E)(2) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the ~~board of voter~~ Office of Director of Elections and Registration as undeliverable, the elector to whom it was sent must be reported by the ~~board~~ office to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7‑5‑330(F).”

B. Section 7‑5‑330(F)(1) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county ~~board of voter~~ Office of Director of Elections and Registration’s record of the qualified elector’s address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.”

SECTION 11. Section 7‑5‑470 of the 1976 Code is amended to read:

“Section 7‑5‑470. The ~~board of~~ Office of Director of Elections and Registration may divide the registration books into as many separate sections as shall be directed by the county committee of any political party, the cost of such additional separate section or sections to be borne by such county committee. The books constituting a separate section or sections shall first be approved by the State Election Commission.”

SECTION 12. Section 7‑5‑660 of the 1976 Code is amended to read:

“Section 7‑5‑660. The Executive Director of the State Election Commission must, along with the ~~county board of~~ Office of Director of Elections and Registration in each county, prepare duplicate sets of books of registration for each ward or each precinct, showing the duly registered electors, according to the county registration books, living in each particular ward or precinct in the municipality.”

SECTION 13. Article 3, Chapter 7, Title 7 of the 1976 Code is amended to read:

“Article 3

Alteration of Precincts

Section 7‑7‑710. The State Election Commission shall report the names of all polling precincts by county that have more than one thousand five hundred registered electors as of January first to the General Assembly not later than the fourth Tuesday of each odd‑numbered year. If, by April first of the same year, the General Assembly has failed to alter the precincts so that no precinct shall have more than one thousand five hundred qualified electors the State Election Commission shall notify the respective county Offices of Director of Elections and Registration ~~boards~~ which shall make such alterations as necessary to conform all precincts to such limitations. Provided, that precincts isolated by water shall not be required to meet minimum requirements.

Section 7‑7‑720. (A) A person whose registration is transferred to another precinct by virtue of the provisions of this article must be notified by mail by the county ~~board of voter~~ Office of Director of Elections and Registration of the transfer.

(B) A person whose notification is returned to the ~~board~~ Office of Director of Elections and Registration as undeliverable must be reported by the ~~board~~ office to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector’s name from inactive status upon compliance with the provisions of Section 7‑5‑330(F).

Section 7‑7‑730. When a precinct has more than seven hundred fifty registered electors, the precinct list must be divided alphabetically so that no list contains more than seven hundred fifty electors and separate managers and facilities are provided within the polling place for each list of electors. ~~Local~~ County Offices of Director of Elections and Registration ~~boards~~ dividing precincts alphabetically shall notify the State Election Commission of this division so that separate alphabetically arranged poll lists may be printed by the commission. Upon completion of the above, the provisions of Section 7‑7‑710 are considered to be complied with regardless of the number of electors in the precinct. Nothing in this section prevents the alteration of precincts pursuant to Section 7‑7‑710 where the General Assembly or ~~local~~ county Offices of Director of Elections and Registration ~~boards~~ consider this alteration advisable.”

SECTION 14. Section 7‑7‑990B. of the 1976 Code is amended to read:

“B. For every election the State Election Commission shall furnish to the proper county or party officials a separate roster of those handicapped electors registered to vote at the barrier‑free polling place, and the county ~~election officials~~ Offices of Director of Elections and Registration shall ensure that election managers are designated to staff the barrier‑free polling place. Such roster shall also contain appropriate precinct and district references for each voter when practical and reasonable.”

SECTION 15. Section 7‑11‑15(A) and (B) of the 1976 Code, as last amended by Act 61 of 2013, is further amended to read:

“Section 7‑11‑15. (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth as provided in this section.

(1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the county ~~election commission~~ Office of Director of Elections and Registration in the county of their residence. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county ~~election commission~~ Office of Director of Elections and Registration in the county of their residence.

(B) Except as provided herein, the election commission with whom the documents in subsection (A) are filed must provide a copy of all statements of intention of candidacy, the party pledge, receipt and filing fees, to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy and party pledge has not been filed with the county ~~election commission~~ Office of Director of Elections and Registration or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section that is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person’s access to the ballot.”

SECTION 16. Section 7‑11‑50 of the 1976 Code, as last amended by Act 256 of 2006, is further amended to read:

“Section 7‑11‑50. If a party nominee who was nominated by a method other than party primary election dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in this section and sufficient time does not remain to hold a convention to fill the vacancy or to nominate a nominee to enter a special election, the respective state or county party executive committee may nominate a nominee for the office, who must be duly certified by the respective county or state chairman.

‘Legitimate nonpolitical reason’ as used in this section is limited to:

(a) reasons of health, which include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued;

(b) family crises, which include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business;

(c) substantial business conflict, which includes the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his capability to carry out properly the functions of the office being sought.

A candidate who withdraws based upon a legitimate nonpolitical reason which is not covered by the inclusions in (a), (b) or (c) has the strict burden of proof for his reason. A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his reason by sworn affidavit.

This affidavit must be filed with the state party chairman of the nominee’s party and also with the ~~election commission~~ Office of Director of Elections and Registration of the county if the office concerned is countywide or less and with the State Election Commission if the office is statewide, ~~multi‑county~~ multicounty, or for a member of the General Assembly. A substitution of candidates is not authorized, except for death or disqualification, unless the ~~election commission~~ Office of Director of Elections and Registration or the State Election Commission to which the affidavit is submitted approves the affidavit as constituting a legitimate nonpolitical reason for the candidate’s resignation within ten days of the date the affidavit is submitted to the commission or office, as appropriate. However, where this party nominee is unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election. If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D).”

SECTION 17. Section 7‑11‑70 of the 1976 Code is amended to read:

“Section 7‑11‑70. A candidate’s nominating petition for any office in this State shall contain the signatures of at least five percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate is required to furnish the signatures of more than ten thousand qualified registered electors for any office. The official number of qualified registered electors of the geographical area of any office must be the number of registered electors of such area registered one hundred twenty days prior to the date of the election for which the nomination petition is being submitted.

The petition must be certified to the State Election Commission in the case of national, state, circuit, and multicounty district offices; with the county ~~election commission~~ Office of Director of Elections and Registration in the case of countywide or less than countywide offices with the exception of municipal offices; with the clerk of a municipality in case of a municipal office, and the certified petition shall constitute and be kept as a public record.”

SECTION 18. Section 7‑11‑85 of the 1976 Code is amended to read:

“Section 7‑11‑85. Every signature on a petition requiring five hundred or less signatures must be checked for validity by the respective county ~~board of voter~~ Office of Director of Elections and Registration against the signatures of the voters on the original applications for registration on file in the registration ~~board~~ office. When a petition requires more than five hundred signatures, every one of the first five hundred signatures must be checked for validity and at least one out of every ten signatures thereafter beginning with the five hundred and first signature must be checked for validity. If the projected number of valid signatures, using this percentage method for the signatures over five hundred plus the number of valid signatures in the first five hundred, total at least the number of signatures required by law on the petition, it must be certified as a valid petition. No petition, however, may be rejected if the number of signatures over five hundred checked using the percentage method plus the number of valid signatures in the first five hundred does not total at least the number required by law. If insufficient signatures are found using the percentage method in order to certify as a valid petition, the ~~board of voter~~ Office of Director of Elections and Registration must check every signature over five hundred separately, or such number over five hundred until the required number of valid signatures is found.

If it is a petition seeking to certify a new political party or if the office for which the petition has been submitted comprises more than one county, and using the percentage method of checking does not result in the required number of valid signatures, the executive director of the commission shall designate which counties must check additional signatures.

No signatures on a petition may be rejected if the address of a voter, registration certificate number of a voter, or the precinct of a voter, as required by Section 7‑11‑80, is missing or incorrect if the signature is otherwise valid. The signature of a voter may only be rejected if it is illegible and cannot be found in the records of the ~~board of voter~~ Office of Director of Elections and Registration, is missing from the petition, or is not that of the voter, or if the registration of the voter has been deleted for any of the reasons named in ~~items (2) or (3) of Subsection (C) of~~ Section 7‑3‑20(C)(2) or (3).

The ~~board of voter~~ Office of Director of Elections and Registration shall complete a summary form containing the results of checking any petition and must give the completed form to the requesting authority. The form used for this purpose must be prescribed and provided by the executive director of the commission.”

SECTION 19. Section 7‑13‑15 of the 1976 Code, as last amended by Act 81 of 2007, to further amended to read:

“Section 7‑13‑15. (A)(1) This section does not apply to municipal primaries.

(2) This section does not apply to presidential preference primary elections for the Office of President of the United States, which are provided for in Section 7‑11‑20(B).

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the State Election Commission and the county ~~election commissions~~ Offices of Director of Elections and Registration on the second Tuesday in June of each general election year:

(1) primaries for national offices, excluding the presidential preference primaries for the Office of President of the United States, which are provided for in Section 7‑11‑20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.”

SECTION 20. Section 7‑13‑40 of the 1976 Code, as last amended by Act 61 of 2013, is further amended to read:

“Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county ~~election commissions~~ Offices of Director of Elections and Registration on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county ~~election commission~~ Offices of Director of Elections and Registration, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate ~~election commission~~ Offices of Director of Elections and Registration or the State Election Commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 21. Section 7‑13‑50 of the 1976 Code, as last amended by Act 253 of 1992, is further amended to read:

“Section 7‑13‑50. A second primary, when necessary, must be held two weeks after the first and is subject to the rules governing the first primary. At the second primary the two candidates among those who do not withdraw their candidacies and who received more votes in the first primary than any other remaining candidate alone shall run for any one office and if only one candidate remains, he is considered nominated, except that if there are two or more vacancies for any particular office, the number of candidates must be double the number of vacancies to be filled if so many candidates remain. In all second primaries the candidate receiving the largest number of votes cast for a given office must be declared the nominee for the office whether or not he has received a majority of the votes cast for that office, and when there are several candidates for several different offices, then the several candidates receiving the largest number of votes for the several positions are considered as nominated for the offices whether or not they received a majority of the votes cast. Other primaries, if necessary, must be ordered in a similar manner by the county ~~election commission~~ Office of Director of Elections and Registration or the State Election Commission, as appropriate.”

SECTION 22. Section 7‑13‑70 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑13‑70. ~~(A)~~ ~~For the purpose of carrying on~~ The county Offices of Director of Elections and Registration shall conduct general or special elections provided for in Section 7‑13‑10~~, the Governor, at least ninety days before the election, must appoint for each county not less than three nor more than five commissioners of election upon the recommendation of the senatorial delegation and at least half of the members of the House of Representatives from the respective counties. The Governor must notify the State Election Commission in writing of the appointments. The State Election Commission must verify that at least one of the appointees represents the largest political party and one represents the second largest political party as determined by the composition of that county’s delegation in the General Assembly or the makeup of the General Assembly as a whole if the county’s delegation is composed of only one party’s members. The commissioners shall continue in office until their successors are appointed and qualified. After their appointment, the commissioners must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.~~

~~(B)~~ ~~The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.~~

~~(C)(1)~~ ~~Each commissioner, and each staff person as designated by the commission, must complete, within eighteen months after the commissioner’s initial appointment or his reappointment after a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a commissioner or staff person has successfully completed the training and certification program, the State Election Commission must issue the commissioner or staff person a certification, whether or not the commissioner or staff person applies for the certification.~~

~~(2)(a) The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b) Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i) eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii) ninety days after the effective date of this section.~~

~~(c) On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.~~

~~(4) Following completion of the training and certification program required in item (1), each commission member, and staff person designated by the commission, must take at least one training course each year~~.”

SECTION 23. Section 7‑13‑72 of the 1976 Code, as added by Act 465 of 1996, is amended to read:

“Section 7‑13‑72. For the general election held on the first Tuesday following the first Monday in November in each even‑numbered year, the ~~commissioners of election~~ director of Elections and Registration of each county must appoint three managers of election for each polling place in the county for which they must respectively be appointed for each five hundred electors, or portion of each five hundred electors, registered to vote at the polling place.

For primary elections held on the second Tuesday in June of each general election year, the ~~commissioners of election~~ director of Elections and Registration of each county must appoint three managers of election for each polling place in the county for which they must respectively be appointed for the first five hundred electors registered to vote in each precinct in the county, and may appoint three additional managers for each five hundred electors registered to vote in the precinct above the first five hundred electors, or portion thereof. The ~~commissioners~~ directors ~~must~~ also must appoint from among the managers a clerk for each polling place in the county, and none of the officers may be removed from office except for incompetence or misconduct.

For all other primary, special, or municipal elections, the authority charged by law with conducting the primary, special, or municipal elections must appoint three managers of election for the first five hundred electors registered to vote in each precinct in the county, municipality, or other election district and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred electors. The authority responsible by law for conducting the election must also appoint from among the managers a clerk for each polling place in a primary, special, or municipal election.

Forty‑five days prior to any primary, except municipal primaries, each political party holding a primary may submit to the county ~~election commission~~ Office of Director of Elections and Registration a list of prospective managers for each precinct. The county ~~election commission~~ director must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. However, the county ~~election commission~~ director may refuse to appoint any prospective manager for good cause.

No person may be appointed as a manager in a primary, general, or special election who has not completed a training program approved by the State Election Commission concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program. The training program and the issuance of certification must be carried out by the county ~~election commission~~ Office of Director of Elections and Registration. After their appointment, the managers and clerks must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.

The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State. Before opening the polls, the managers of election must take and subscribe the oath provided for in Section 7‑13‑100. Upon the completion of the canvassing of votes, this oath must be filed with the ~~commissioners of election~~ appropriate county Office of Director of Elections and Registration along with the ballots from that election precinct.”

SECTION 24. Section 7‑13‑180 of the 1976 Code is amended to read:

“Section 7‑13‑180. Whenever an amendment to the Constitution of this State shall be voted upon at any election, the ~~commissioners of election~~ director of Elections and Registration of each county in the State shall have such amendment conspicuously posted at each voting precinct in the county upon the day of the election. Such printed amendments shall be furnished to ~~the commissioners of election~~ each Office of Director of Elections and Registration by the Secretary of State.”

SECTION 25. Section 7‑13‑320 of the 1976 Code, as last amended by Act 223 of 2006, is further amended to read:

“Section 7‑13‑320. General election ballots shall conform to the following standards and specifications:

(A) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the State Election Commission. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;

(B) Across the top of the ballot shall be printed ‘Official Ballot, General Election,’ beneath which shall be printed the date of the election, the county and the precinct. Above the caption of each ballot shall be one stub, with a perforated line between the stub and the top of the ballot. The stub shall have printed thereon ‘Official Ballot, General Election’ and then shall appear the name of the county, the precinct and the date of the election. On the right side there shall be a blank line under which there shall be ‘Initials of Issuing Officer.’ Stubs on ballots for each precinct shall be prenumbered consecutively, beginning with No. 1;

(C) On the ballot for presidential electors there shall be printed, under the titles of the offices, the names of the candidates for President and Vice President of the United States nominated by each political party qualified under the provisions of Section 7‑9‑10 and those nominated by petition. A separate column shall be assigned to each political party with candidates and to each separate petition slate of candidates on the ballot and each party and each petition candidate’s columns shall be separated by distinct black lines. At the head of each column the party or petition name shall be printed in large type and below it a circle, one‑half inch in diameter, and below the circle the names of the party’s and petition candidates for President and Vice President in that order. On the face of the ballot above the party and petition candidate’s column division the following instruction shall be printed in heavy black type:

a. To vote this ballot make a cross (X) mark in the circle below the name of the political party or petition column for whose candidates you wish to vote.

b. A vote for the names of a political party’s candidates or petition candidates for President and Vice President is a vote for the electors of that party or petition candidates, the names of whom are on file with the Secretary of State.

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Executive Director of the State Election Commission.

(D) The names of candidates offering for any other office shall be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county or other office.

(E) The names of the several officers to be voted for and the tickets of the parties and petition candidates shall be placed on the ballots in an order as arranged by the State Election Commission as to those ballots for which it is responsible for distribution and by the ~~commissioners of election for the respective counties~~ director of Elections and Registration of each county as to the ballots for which they are responsible for distribution, including those for State Senator and member of the House of Representatives. If the State Senator or member of the House of Representatives or any other officer is to be elected from more than one county, the ~~commissioners of election~~ directors of Elections and Registration from the various counties from which they are to be elected shall assure that there shall be uniformity of placement on the ballots of their respective counties and should the ~~commissioners~~ directors fail to agree within sixty days prior to the general election, and upon receipt of written certification by at least one ~~commissioner~~ director, that they have failed to act, the State Election Commission shall determine the order of placing the names on the ballots.

(F) Each ~~county election commission~~ director of Elections and Registration must provide a copy of each ballot style to be used for primary, general, and special elections in the absentee precinct in the county to the Executive Director of the State Election Commission not later than September fifteenth in the case of general elections, and not later than forty days prior to the date of the election in the case of special and primary elections. If the ballot styles are not available by these deadlines, the ~~executive~~ director must determine when absentee ballots for that county will be available. If a determination is made that absentee ballots will not be available in sufficient time to adequately effectuate absentee voting, the executive director is empowered to direct the county ~~board of voter~~ Office of Director of Elections and Registration to provide the blank ballots provided by Section 7‑15‑360 until the regular ballots are available. The executive director ~~must~~ also must notify the chairman of the county’s legislative delegation of his findings and the action taken.”

SECTION 26. Section 7‑13‑340 of the 1976 Code is amended to read:

“Section 7‑13‑340. All ballots cast in general elections for national, State, county, municipal, district and circuit officers in the towns, counties, districts, circuits, cities and other political divisions shall be printed and distributed at public expense. The printing and distribution of all ballots, other than the county, State Senator, member of the House of Representatives, local or circuit ballots herein designated, the ballots for elections in cities and towns and the ballots for election on bonds or other local measures, shall be arranged and handled by the State Election Commission and shall be paid for by the State. The State Election Commission shall have all necessary ballots for elections for presidential electors, State officers, United States Senators and members of Congress printed, and shall deliver such ballots to the various county ~~commissioners of election~~ Offices of Director of Elections and Registration at least ten days prior to the date of the election and ~~the~~ each county ~~commissioners of election~~ director of Elections and Registration shall place such ballots in ballot boxes for distribution to the election managers of the various precincts.

The printing and distribution of ballots in all State Senate, member of the House of Representatives, county, local and circuit elections shall be arranged and handled by the ~~commissioners of election~~ Office of Director of Elections and Registration of the several counties and shall be paid for by the respective counties, and the ~~commissioners of election~~ county director of Elections and Registration shall place such ballots in ballot boxes for distribution to the election managers of the various precincts. The printing and distribution of ballots in all municipal elections shall be arranged and handled by the municipal authorities conducting such elections and shall be paid for by the municipalities.

The terms ‘municipal’ and ‘municipalities’ as used in this section shall be construed to include school districts, public service districts and like political subdivisions.”

SECTION 27. The second paragraph of Section 7‑13‑351 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“The petition of any candidate in any special election, including municipal special elections, must be submitted to the authority charged with printing the ballot for those offices not later than twelve o’clock noon on the sixtieth day prior to the date of the holding of the election, or if the sixtieth day falls on Sunday, by not later than twelve o’clock noon on the following Monday. At the time a petition is submitted, the authority charged with accepting it must issue a receipt to the person submitting the petition which must reflect the date the petition was submitted and the total number of signatures contained in the petition. The candidate submitting the petition must certify, on a form designed and provided by the State Election Commission, that he meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The ~~board of voter~~ Office of Director of Elections and Registration of each respective county must check the petition at the request of the authority charged with printing of the ballots for that office and must certify the results thereof to the authority not later than twelve o’clock noon on the forty‑fifth day prior to the date of holding the election, or if the forty‑fifth day falls on Sunday, by twelve o’clock noon on the following Monday.”

SECTION 28. Section 7‑13‑355 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑355. No question may be submitted to the qualified electors in a referendum held at the time of a general election unless the question is submitted to the appropriate ~~election commission~~ Office of Director of Elections and Registration or the State Election Commission to be placed on the ballot no later than 12:00 noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.”

SECTION 29. Section 7‑13‑420 of the 1976 Code is amended to read:

“Section 7‑13‑420. The printer with whom the Executive Director of the State Election Commission, ~~commissioners of election~~ the county directors of Elections and Registration, or other authority, as the case may be, shall contract for the printing of official ballots shall take, before the work is commenced, ~~take~~ an oath before the Executive Director of the State Election Commission or ~~the chairman of the commissioners~~ the appropriate director of Elections and Registration, or other authority, as the case may be, who may administer such oath, to the following effect: ‘I, \_\_\_\_\_\_\_\_\_\_, do solemnly swear that I will print (here insert number) ballots according to the instructions of the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_; that I will not print or permit to be printed, directly or indirectly, more than the above number; that I will at once destroy all imperfect and perfect impressions other than those required to be delivered to the electoral ~~board~~ authority; that as soon as said number of ballots is printed I will distribute the type used for such work and that I will not communicate to anyone whomsoever, in any manner whatsoever, the size, style or contents of such ballots.

The above oath shall be reduced to writing and signed by the person taking it and also a similar affidavit shall be required of any employee or other person engaged upon the work or who shall have access to it. Any intentional violation of such oath shall constitute the crime of perjury. Any other violation of the provisions of this section shall be a misdemeanor and punished by a fine of one hundred dollars or imprisonment for thirty days in jail.

Nothing herein contained shall be construed to prohibit the executive director, the ~~commissioners~~ directors of Elections and Registration, or other authority from publishing or otherwise disclosing the contents, style, and size of ballots required to be printed by them which they are respectively authorized and empowered to publish or otherwise disclose.”

SECTION 30. Section 7‑13‑610 of the 1976 Code, as last amended by Act 242 of 1996, is further amended to read:

“Section 7‑13‑610. (A) The State Election Commission and the respective county ~~election commissions~~ Offices of Director of Elections and Registration shall prepare separate ballots for each political party holding a primary. The ballots for each party must contain in print only the names of the candidates who have filed to run in that particular party primary and must have a stub at the top perforated so as to be easily detached. On the stub must be printed ‘Official state (or county) Ballot, (name of party) Primary’, the name of the county and the precinct, and the date of the primary. On the right side there must be a blank line under which must be printed ‘Initials of Issuing Officer’. Stubs on ballots for each precinct must be numbered consecutively, beginning with ‘No. 1’. The ballots must be furnished by the State Election Commission for all except members of the General Assembly, county officers, less than county officers, and circuit solicitors, for which the county ~~election commission~~ Office of Director of Elections and Registration shall furnish the ballots. One ballot must contain the names of all persons in alphabetical order running for state and federal offices. The other ballot must contain, in alphabetical order, the names of all persons running for the General Assembly, county offices, less than county officers, and solicitors.

(B) Ballots furnished by the State Election Commission under this section must have marked on them in plain type, both on the stub and on the ballot, the words ‘Official State Ballot’. Ballots furnished by the county ~~election commission~~ Office of Director of Elections and Registration under this section must have marked on them in plain type, both on the stub and on the ballot, the words ‘Official County Ballot’.

(C) The ballot must be printed on paper of a thickness so that the printing cannot be distinguished from the back and must be of a size and color as directed by the State Election Commission. If more than one ballot is to be used in a primary, each ballot must be printed on different colored paper. The ballot must contain a voting square opposite the name of each candidate, and the voter shall vote by putting a mark in the voting square opposite the name of the candidate of his choice. The State Election Commission may establish, under Chapter 23 ~~of~~, Title 1, such rules and regulations as are necessary for the proper administration of this section.”

SECTION 31. Section 7‑13‑710(B) of the 1976 Code, as last amended by Act 27 of 2011, is further amended to read:

“(B) After presentation of the required identification described in subsection (A), the elector’s name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the ~~board of registration~~ Office of Director of Elections and Registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page, the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.”

SECTION 32. Section 7‑13‑1330(G) and (K) of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the State Election Commission and any county ~~election commission~~ Office of Director of Elections and Registration, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

(K) Neither a member of the State Election Commission, any county ~~election commission~~ director of Elections and Registration or a member of his staff or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder, or in the manufacture or sale of the vote recorder.”

SECTION 33. Section 7‑13‑1390(c) of the 1976 Code is amended to read:

“(c) On or before the third day preceding an election, the county ~~election officials~~ Offices of Director of Elections and Registration shall have the tabulating machines tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballot cards clearly marked for such purpose, not to exceed fifty for each candidate or question, so punched or marked as to record a predetermined number of valid votes for each candidate and on each question, and shall include for each office one or more ballot cards which have votes in excess of or less than the number allowed by law in order to test the ability of the tabulating machine to reject such votes. The tabulating machine shall not be approved unless it produces an errorless counting. If any error is detected, the cause therefor shall be ascertained and corrected, and an errorless count shall be made before the machine is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The county election officials or custodian shall also prepare the vote recorders for voting at the various polling places to be used in the election. In preparing the vote recorders, they shall arrange the recorders and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the vote recorders, and file a certificate, as prescribed by the State Election Commission, in the office of the county election officials that the recorders are in proper order with correct ballot labels.”

SECTION 34. Section 7‑13‑1490 of the 1976 Code is amended to read:

“Section 7‑13‑1490. The State Election Commission shall adopt and promulgate such regulations and instructions and design such forms as it may deem necessary to carry out the purposes of this article. A sufficient number of such regulations, instructions and forms shall be distributed to each county ~~election commission~~ Office of Director of Elections and Registration using the voting and counting equipment authorized by the provisions of this article.”

SECTION 35. Section 7‑13‑1620(E) and (J) of the 1976 Code, as last amended by Act 63 of 2005, is further amended to read:

“(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the State Election Commission and any county ~~election commission~~ Office of Director of Elections and Registration, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(J) A member of the State Election Commission, ~~county election commission~~ a director of Elections and Registration, or a member of his staff, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.”

SECTION 36. Section 7‑15‑320(B)(3) of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“(3) certified poll watchers, poll managers, county ~~voter registration board members~~ directors of Elections and Registration and staff, county,and State Election Commission members and staff working on election day;”

SECTION 37. Section 7‑15‑385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑385. Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’ which in turn must be placed in the return‑addressed envelope. The applicant must then return the return‑addressed envelope to the ~~board of registration~~ Office of Director of Elections and Registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the ~~board of registration~~ Office of Director of Elections and Registration at the time the envelope is returned. The voter must sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the ~~board of registration~~ Office of Director of Elections and Registration must note the authorization and the name of the authorized returnee in the record book required by Section 7‑15‑330. A candidate or a member of a candidate’s paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter’s immediate family as defined in Section 7‑15‑310. The oath set forth in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The ~~board of registration~~ Office of Director of Elections and Registration must record in the record book required by Section 7‑15‑330 the date the return‑addressed envelope with witnessed oath and enclosed ballot or ballots is received by the ~~board~~ office. The ~~board~~ office must securely store the envelopes in a locked box within the office ~~of the registration board~~.”

SECTION 38. Section 7‑15‑400 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑400. (A) A qualified elector of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the county ~~Board of~~ Office of Director of Elections and Registration shall issue the special write‑in absentee ballot which must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for any federal, state, or local office or state or local ballot measure.”

SECTION 39. Section 7‑15‑470 of the 1976 Code, as added by Act 83 of 2001, is amended to read:

“Section 7‑15‑470. Notwithstanding the provisions of this chapter, a county ~~board of~~ Office of Director of Elections and Registration may use other methods of voting by absentee ballot instead of by paper ballot. No voting machine or voting system, other than a paper‑based system, may be used for in‑person absentee voting that has not received written certification from the State Election Commission that the voting machine or voting system meets all statutory requirements for use in the State and certification that the machine can be secured against voting at times other than business hours of the county ~~board of~~ Office of Director of Elections and Registration, that the results of elections can be held secure from release until the time for counting ballots at any polling place, and votes cast using the machine can be challenged and held secure until the hearing on challenged ballots required by Section 7‑13‑830 is held. The State Election Commission must develop standards and guidelines for these purposes.”

SECTION 40. Section 48‑11‑100(B) of the 1976 Code is amended to read:

“(B) The first directors of the watershed conservation district after the district has been created must be elected in a nonpartisan election conducted by the county ~~election commission~~ Office of Director of Elections and Registration when county officers are elected in the general election. To be placed on the ballot each candidate shall submit to the county ~~election commission~~ Office of Director of Elections and Registration a declaration of candidacy not later than noon, September 1, or if this date falls on a Saturday, Sunday, or a legal holiday, not later than noon the following Monday. If a watershed district lies in more than one county the required declaration of candidacy must be filed with the State Election Commission. This election must be conducted pursuant to Title 7, mutatis mutandis, except as otherwise provided in this section. The five elected directors, under the general supervision of the board of commissioners of the soil and water conservation district, are the governing body of the watershed conservation district.”

SECTION 41. Section 61‑6‑2010(C)(1) of the 1976 Code is amended to read:

“(1) A permit authorized by this section may be issued only in those counties or municipalities where a majority of the qualified electors voting in a referendum vote in favor of the issuance of the permit. The Office of Director of Elections and Registration in the county or municipal election commission, as the case may be, shall conduct a referendum upon petition of at least ten percent but not more than seven thousand five hundred qualified electors of the county or municipality, as the case may be. The petition form must be submitted to the election ~~commission~~ officials not less than one hundred twenty days before the date of the referendum. The names on the petition must be on the petition form provided to county election officials by the State Election Commission. The names on the petition must be certified by the election ~~commission~~ officials within sixty days after receiving the petition form. The referendum must be conducted at the next general election. The election commission shall cause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum. The state election laws shall apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the South Carolina Department of Revenue. The question on the ballot shall be one of the following:

(a) ‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for consumption‑on‑premises sales?’ or

(b) ‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption‑on‑premises sales and to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’ or

(c) in case of a county or municipality where temporary permits are authorized to be issued pursuant to this section as of June 21, 1993, the question may be ‘Shall the Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’.”

SECTION 42. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑140. (A) The Executive Director of the State Election Commission shall appoint in each county of this State a director of Elections and Registration for that county and fix his compensation. The person appointed must be a qualified elector and a resident of that county. This person must be appointed for a four‑year term and only may be removed from office for cause. Each of the persons appointed to this position in the several counties of this State is considered a state employee of the State Election Commission. Vacancies in this office must be filled in the manner of original appointment for the remainder of the unexpired term. The director of Elections and Registration for each county shall employ such staff as he considers necessary upon the consent and approval of the Executive Director of the State Election Commission to conduct elections and voter registration in that county. These employees also are considered employees of the State Election Commission.

(B)(1) The functions, duties, and powers of county boards of registration, county election commissions, or county boards or commissions of elections and registration by whatever name as established in Chapter 27 or other provisions of this title or local law are devolved upon the particular director of Elections and Registration for that county.

(2) The provisions of law contained in this title or any other general or local provision of law relating to former county boards of voter registration, county election commissions, county boards or commissions of elections or registration or any variety of these terms apply to the director of Elections and Registration either generally or in reference to a particular county mutatis mutandis and must be construed accordingly.

(C) The several counties of this State shall supply the Office of Director of Elections and Registration in that county with adequate office space, parking, and furniture and equipment for the offices’ employees without charge, except for a nominal employee parking fee if any. The compensation of the director of Elections and Registration for any county is a responsibility of the State Election Commission. Except for the director who must be a state employee appointed pursuant to Section 1‑30‑97, all other employees of the relative county Offices of the Director of Elections and Registration must be county employees who work at the discretion of the director. The appropriate county shall provide compensation for these county employees. Nothing in this section shall affect the manner in which voter machines are obtained, maintained, and placed in voting precincts which shall continue to be accomplished and performed as now provided by law.”

SECTION 43. The Code Commissioner is directed to change or correct all references to the former county boards of registration, county election commissions, or county commissioner of election and registration to reflect the transfer and devolvement of their duties and functions to the newly created Office of Director of Elections and Registration, established in Section 7‑27‑140 of the 1976 Code. References to these former entities are considered to be and must be construed to mean appropriate references.

SECTION 44. Section 7‑5‑10 and Article 2, Chapter 27, Title 7 of the 1976 Code are repealed.

SECTION 45. This act takes effect January 1, 2016.

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