~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 9, 2014

**H. 4805**

Introduced by Reps. Clemmons and J.E. Smith

S. Printed 4/9/14--H.

Read the first time February 27, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4805) to amend Section 7‑27‑110, Code of Laws of South Carolina, 1976, relating to the appointment of members of boards and commissions, so as to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7-5-10 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7-5-10. (A)(1) Between the first day of January and the fifteenth day of March in each even-numbered year the Governor shall appoint, ~~by and with the advice and consent of the Senate~~ upon the recommendation of a majority of the weighted vote of the Senate legislative delegation and a majority of the weighted vote of the House of Representatives legislative delegation of the counties, not less than ~~three~~ five nor more than ~~five~~ nine competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of County’. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members 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.’

(3) 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.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee shall immediately notify the Governor who shall then remove the member from office.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board may hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions and voter registration boards, or combined boards are abolished. The powers and duties of the county commissions and boards of election and voter registration are devolved upon the Board of Voter Registration and Elections for each county created in subsection (A). Those members currently serving on the county boards of election, voter registration commissions, or combined boards shall continue to serve in a combined governing capacity until the successor board members established under this section are appointed and qualify.

~~(B)~~(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following 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 member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member 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)~~(2) 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)~~(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.”

SECTION 2. Section 7-5-20 of the 1976 Code is amended to read:

“Section 7-5-20. The board of voter registration and elections of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. The clerk to each board may be made a deputy member of the board for the purpose of taking applications.”

SECTION 3. Section 7-5-30 of the 1976 Code is amended to read:

“Section 7-5-30. Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. Provided, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. One member of the board shall constitute a quorum for the purpose of registering or refusing to register applications for registration. ~~Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify. In case of a vacancy from any cause in any board of registration the Governor shall fill such vacancy in the same manner as provided in Section 7‑5‑10.~~”

SECTION 4. Section 7-5-35, Section 7-13-70, and Chapter 27, Title 7 of the 1976 Code are repealed.

SECTION 5. The code commissioner is directed to change all references in Title 7 to county election commissions or commissioners or county boards of voter registration to the “Board of Voter Registration and Elections of County” and board members as appropriate.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 7‑27‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7‑27‑260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7‑27‑290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7‑27‑320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7‑27‑325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7‑27‑335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7‑27‑415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; AND TO AMEND SECTION 7‑27‑430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY.

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

SECTION 1. Section 7‑27‑110 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑110. ~~Those counties that do not have combined boards of registration and election commissions must have their members appointed and powers of their boards and commissions as provided by Sections 7‑5‑10 and 7‑13‑70.~~ Notwithstanding another provision of law, all counties of this State must have a single board of registration and elections whose membership is established in this chapter and whose members are appointed in accordance with this chapter.”

SECTION 2. Section 7‑27‑260 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑260. ~~The Cherokee County Election Commission and the Cherokee County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Cherokee County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Cherokee County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Cherokee County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Cherokee County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Cherokee County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Cherokee County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 3. Section 7‑27‑290 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑290. ~~The Dillon County Election Commission and the Dillon County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Dillon County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Dillon County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Dillon County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Dillon County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Dillon County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Dillon County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 4. Section 7‑27‑320 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑320. ~~The Greenville County Election Commission and the Greenville County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Greenville County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Greenville County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Greenville County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Greenville County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Greenville County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Greenville County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 5. Section 7‑27‑325 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑325. ~~The Greenwood County Election Commission and the Greenwood County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Greenwood County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Greenwood County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Greenwood County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Greenwood County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Greenwood County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Greenwood County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 6. Section 7‑27‑335 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑335. ~~The Horry County Election Commission and the Horry County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Horry County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Horry County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Horry County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Horry County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Horry County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Horry County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 7. Section 7‑27‑415 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑415. ~~The Spartanburg County Election Commission and the Spartanburg County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Spartanburg County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Spartanburg County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Spartanburg County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Spartanburg County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Spartanburg County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Spartanburg County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 8. Section 7‑27‑430 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑430. ~~The Williamsburg County Election Commission and the Williamsburg County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Williamsburg County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Williamsburg County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Williamsburg County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Williamsburg County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Williamsburg County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Williamsburg County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 9. This act takes effect upon approval by the governor.

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