**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3776**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Mitchell

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Introduced in the House on January 16, 2025

Currently residing in the House Committee on **Judiciary**

Summary: State Election Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2025 House Introduced and read first time ([House Journal‑page 720](h:\hj\20250116.docx))

1/16/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 720](h:\hj\20250116.docx))

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**VERSIONS OF THIS BILL**

[01/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3776_20250116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-3-25, RELATING TO NONCOMPLIANT COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS, SO AS TO ESTABLISH THE DUTIES OF THE STATE ELECTION COMMISSION PROVIDING SUPPORT AND GUIDANCE TO COUNTY BOARDS REGARDING THE CONDUCT OF POST-ELECTION PROCESSES, AND TO REQUIRE THE COMMISSION TO INTERVENE IN COUNTies POST-ELECTION PROCESSES WHEN A BOARD’S NONCOMPLIANCE WITH APPLICABLE LAWS, POLICIES, OR PROCEDURES COULD NEGATIVELY IMPACT THE ACCURACY OF THE ELECTION RESULTS OR THE ABILITY TO TIMELY CERTIFY THE RESULTS.

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

SECTION 1. Section 7-3-25 of the S.C. Code is amended to read:

Section 7-3-25. (A) In the event that the State Election Commission, acting through its executive director, determines that a county board of voter registration and elections has failed to comply with applicable state or federal law or State Election Commission policies, procedures, or standardized processes with regard to the conduct of the election or voter registration process, the State Election Commission, acting through its executive director or other designee, must supervise, pursuant to Section 7-3-20(D)(1) and (2), the county board to the extent necessary to:

(1) identify the failure to comply with state or federal law or State Election Commission policies, procedures, or standardized processes;

(2) establish a plan to correct the failure; and

(3) implement the plan to correct the failure. The officials and employees of the State Election Commission and the county board must work together, in good faith, to remedy the failure of the county board to adhere to state or federal law or State Election Commission policies, procedures, or standardized processes. In the event of a difference of policy or opinion between a county election official or employee and the State Election Commission or its designee, pertaining to the manner in which particular functions must be performed, the policy or opinion of the State Election Commission shall control.

(B)(1) For purposes of this subsection, “post-election processes” includes, without limitation, the counting and canvassing of ballots, ballot adjudication, election results audits, certification of results, and mandatary recounts.

(2) As part of its supervisory duties under this chapter, the State Election Commission shall provide administrative assistance, staff support, and guidance to the county boards of voter registration and elections regarding the conduct of all post-election processes to ensure compliance with all applicable laws, policies, and procedures, as well as the timely and accurate certification of election results.

(3) The State Election Commission, acting through its executive director or his designee, shall take immediate steps to intervene and assume oversight of the post-election processes in a county if the commission determines that:

(a) the county board of voter registration and elections has failed to comply with applicable laws, policies, or procedures regarding the conduct of post-election processes;

(b) the board’s noncompliance has the potential to negatively impact the accuracy of the election results or the board’s ability to meet the applicable certification deadline set by law; and

(c) the commission has the capacity and resources to remedy the board’s noncompliance through intervention.

(4) If a county board of voter registration and elections does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

(C) If the State Election Commission determines that an official or an employee of a county board of voter registration and elections has negligently failed to comply with applicable state or federal law or State Election Commission policies, procedures, or standardized processes with regard to the election or voter registration process or fails to comply with or cooperate with the corrective plan established by the State Election Commission or its designee under the provisions of subsection (A), the commission may order the decertification of that official or employee and if decertified the commission shall require that official to participate in a retraining program approved by the commission prior to recertification. If the commission finds that the failure to comply with state or federal law or State Election Commission policies, procedures, or standardized processes by an official is wilful, it shall recommend the termination of that official to the Governor or it shall recommend termination of a staff member to the director of the appropriate county board of voter registration and elections.

SECTION 2. This act takes effect upon approval by the Governor.

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