

State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

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October 23, 2019

The Honorable Gary E. Clary
Subcommittee Chair, Executive Subcommittee
South Carolina House Legislative Oversight Committee
South Carolina House of Representatives
Post Office Box 11867
Columbia, SC 29211

RE: Follow-up to September 27, 2019 Subcommittee Meeting

Dear Representative Clary:

The Secretary of State's Office looks forward to continuing to work collaboratively with the House Legislative Oversight Committee. Please find attached responses to your letter of October 7, 2019, requesting additional information as follow-up from the September 27, 2019 Subcommittee Meeting.

We look forward to appearing before the Executive Subcommittee on October 28, 2019, for our next presentation to provide information about the many responsibilities of the Secretary of State's Office.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Dunlap".

Melissa Dunlap
Deputy Secretary of State & Chief Legal Counsel

Secretary of State's Office Responses to Executive Subcommittee Letter of October 7, 2019

Investigations

1. How, if at all, does the Secretary of State's Office (SoS) work, including, but not limited to sharing information, with the Department of Consumer Affairs in identifying counterfeit goods and combatting counterfeit trafficking?
 - Our office does not collaborate with DCA on this subject; however, we would be willing to discuss this with them and see how information sharing would be of assistance to both agencies.

Webinars - Notary Public and Raffle

2. How many views has the SoS had of each of its webinars (e.g., notary public, raffle, etc.) each of the last three years?
 - The notary public webinar has had a total of 5,090 views since it was placed on the website on August 6, 2017. The raffles webinar has had 452 views since it was placed on the website on April 3, 2015. YouTube does not break down views for a specific period of time; therefore, we can only give the total number of views for each webinar.
3. How much did it cost to produce each webinar on the SoS's website?
 - There was no cost to produce either webinar.
4. Did SoS collaborate or seek advice from any other agencies on producing a webinar (e.g., ETV)?
 - We worked with the SC Bar, and they produced the webinar. The notary public and raffles webinars provide important information on statutory changes that are beneficial to members of the Bar and the general public.
5. What pros and cons has the SoS seen from utilizing a webinar for training? Is there any advice the SoS would provide other state entities who are considering utilizing webinars?
 - Notary Webinar-- Pros: The webinar provides access to individuals who cannot attend a seminar in person. Also, the webinar provides access to persons at any time, any day of the year. Cons: If a person has a question, they would need to reach out by phone or email to the office. At an in-person notary seminar, staff is available to answer questions in person.
 - Raffles Webinar—Pros: The raffle law is fairly complicated, and the webinar was produced to get information out quickly on the law's requirements once raffles were legalized. The webinar provides access to persons at any time, any day of the year. Cons: If a person has a question, they would need to reach out by phone or email to the office. Agency contact information is provided at the end of the webinar, and customers have called and emailed staff with follow-up questions after viewing the webinar.

Boards and Commissions

6. How, other than publication on its website, does the SoS publicize information to stakeholders about board and commission expired terms and/or holdover positions (e.g., SoS publicizes information about charities through identification of angels and scrooges)?
 - The information is available 24/7 on the agency's website. In addition, the Governor's Office website provides the link to the Secretary of State's Boards and Commissions database for anyone interested in serving to search the database. The information that is available is updated daily.

7. Does the SoS view an email with the appointment, election, resignation, or vacancy in a board or commission membership sufficient to satisfy the “written notification” requirement of S.C. Code Section 1-1-1310?
- Yes.

Counties, Municipalities, and Special Purpose Districts

8. What is the SoS’s understanding of why all county register of deed offices in the state do not accept electronic records? What are the benefits/cost savings to an individual taxpayer, to a county, and to the state, of county register of deed offices accepting electronic records?
- The Secretary of State’s Office does not oversee or work directly with counties on making decisions about electronic recording. The Secretary of State was tasked with promulgating the regulations for the Uniform Real Property Electronic Recording Act, which provides the methodology for counties to electronically record should a county chose to do so.
 - Based on conversations with persons who work with counties and who serve on the county level, it is our understanding that the following factors affect whether a county accepts electronic records:
 - Budgetary constraints—different counties have different budgets, and this determines whether a county can bear the costs of implementing electronic recording.
 - Leadership—whether a county implements electronic recording is subject to the priorities of the individuals running the county offices.
 - Technological infrastructure—Levels of technological advancement vary from county to county, and this may affect whether a county can implement and sustain electronic recording.
 - The key benefit of implementing electronic recording would be faster recording of documents, which in turn would benefit both the taxpayer and the county. Electronic recording also provides security for protecting records that are in a digital format and provides the ability for a taxpayer to access to records more easily in an electronic format, thereby saving time and money for taxpayers, recorders and participants in an electronic recorded transaction.
9. Does the SoS maintain a list of all municipalities on its website? If so, what additional information about each municipality is included on the SoS website?
- The agency does not maintain a list on the website. The agency will consider providing information on the website once the internal municipalities database is developed, if the information provided will benefit the general public.
 - Currently, the Municipal Association of South Carolina provides information on municipalities on its website.
10. Does the SoS maintain a list of all special purpose districts on its website? If so, what additional information about each special purpose district is included on the SoS website?
- Yes, through the special purpose district manual that is published biennially. The information provided in the manual includes the data required in the special purpose district notification form, including:
 - Status
 - Services Provided
 - Boundaries
 - Date of Origin
 - Statutory Authority
 - Financial Information (Total Revenue, Expenditures, Indebtedness, and Investments)
 - Tax Rate
 - Board Members

- Method of Selection of Board Members
- Contact Person and Address

Online Searches

11. Is the SoS able to sort data about boards, commissions, special purpose districts, or other appointed positions by the elected official and/or delegation responsible for appointing the position? If so, would SoS have any concerns about providing this information to each elected official at the start of each year and publishing the information in a searchable format on its website?
- Yes. This information is currently available for state boards and commissions in a searchable format on the Secretary of State's website, and is accessible by anyone 24/7. Please see the attached screenshot.
 - Although this information is already provided on the Secretary of State's website, the agency would be willing to work with the Clerks of the House and Senate to provide the information as it would be helpful to have a single point of contact in providing the information to all elected officials. This would be beneficial to ensure that information for appointments based on congressional district is provided to the correct members of the General Assembly.
12. Is the SoS able to maintain data on the number of times, or length of time, an elected official and/or delegation responsible for appointing positions has left different positions vacant (e.g., Identify angel or scrooge appointing entities)? If so, would SoS have any concerns about providing this information to each elected official at the start of each year and publishing the information in a searchable format on its website?
- Not exactly. An online user or in-house staff can generate a report to provide vacancy information for state boards and commissions (such as whether the position is vacant), but cannot discern when the position was last filled from a generated report. This requires a manual review by our in-house staff to determine when a vacant position was last filled. If the position is filled, but the term is expired, an online user or staff in-house can generate a report that will show term dates. The "Expired Term List" on the website shows the dates when terms expire.
 - The Secretary of State does not recognize appointing entities as "angels" or "scrooges."
 - Information maintained by the agency is based upon information provided to the Secretary of State pursuant to S.C. Code § 1-1-1310. Under this section, state boards and commissions are required to send written notification to the Secretary of State within two weeks of an appointment, election, resignation, or vacancy on the board or commission. Because written notification is not consistently provided as required under S.C. Code § 1-1-1310, there are concerns that the information on file with the agency may not correlate with the actual membership of the boards and commissions.
13. Is the SoS able to sort data about boards, commissions, special purpose districts, or other appointed positions by whether there are minimum qualifications to serve in the position?
- No. People inquiring about qualifications to serve may obtain information by following the link to the statute that the Secretary of State provides for each state board and commission listed in the Boards and Commissions database.

Employment Agencies

14. Does the SoS work, including, but not limited to sharing information, with the Department of Employment and Workforce in regards to employment agencies or private personnel placement services, or in regards to anything else?
- Not with regard to employment agencies. Our office receives periodic inquiries from the Upstate Branch of the Better Business Bureau to verify employment agency licenses.

- The Department of Employment and Workforce has approached our office about an information sharing agreement for business filings and is working on an MOU.

South Carolina Business One Stop (SCBOS)

15. What is the current status of SCBOS's operations and what is the SoS's involvement, if any?
- Currently, the Secretary of State's website and the SCBOS website provide links to each other in order to share information about the services of the Secretary of State's Office and SCBOS.

Small and Minority Business Contracting and Certification (SMBCC)

16. For how many years has the SoS met its agency goal in regards to SMBCC?
- The recollection of agency staff is that since 2003, when Secretary Hammond assumed the office, the agency has met its goal yearly.
 - Hard copies of reports are available for approximately nine years since 2003, including from 2014-2018. Staff was unable to locate hard copies of the reports for several years due a staffing change. Additionally, the reports for these years were not available from the SMBCC office.

Online Filing

17. As an agency success the SoS states, as of August 1, 2019, the adoption rate of online filing is 77.4% and for certificates and document requests it is 97.8%. What was the adoption rate as of this date each of the last two years?
- As of August 1, 2018, the adoption rates were:
 - 73.1% for online filing
 - 96% for certificates and document requests
 - As of August 1, 2017, the adoption rates were:
 - 59.8% for online filing
 - 98.8% for certificates and document requests
 - The upward trajectory in the adoption rate for online filings is indicative of the continued enhancements that the SoS and SCI have provided to serve online users.
18. Please provide the costs for searching and obtaining electronic records for each of the last three years.
- We are unable to provide the exact agency costs for the last three years due to the number of SOS staff crossing over divisions (such as IT, legal, administrative, UCC and business filings staff) to support the application, in addition to the partnership with the South Carolina portal, South Carolina Interactive.
 - South Carolina Interactive (SCI) is the vendor selected to provide internet portal services for the State of South Carolina as approved by the Budget and Control Board (now the State Fiscal Accountability Authority). The master contract between the State of South Carolina and SCI provides for a self-funded web portal. The Secretary of State's Office entered into service level agreements and subordinate statements of work with SCI for web application development and payment processing beginning in 2006. The SoS has worked with SCI to develop the agency's UCC online filing, search and document retrieval system, as well as the Business Filings online filing, search and document retrieval system, which allow users to search and obtain electronic records.
 - The decision to work with the state portal was based upon several factors, including the need to provide the online capabilities requested by our customers, such as financial institutions, corporations, law firms, accountants, and business owners, in the most cost efficient and timely way possible. In addition, the SoS wanted to provide online solutions that helped make South Carolina business friendly. The SoS did not have a database administrator or application developer on staff to assist with the creation of these important web-based applications. The agency also chose to work

with SCI rather than making multi-million dollar capital requests of the General Assembly, which would require projects to be funded by state funds. The Secretary of State's staff worked in partnership with SCI to develop these award-winning online applications, providing the business rules and agency project management internally.

- With a self-funded model, the end-user pays an electronic records access fee. This electronic records access fee is the methodology that allows SCI to provide the front-end development costs for the web based applications and allows SCI to recoup these costs incrementally over many years. SCI developers, project managers and other staff work with SoS agency staff to create a custom application at no cost to taxpayers. Once a project goes live, the partnership continues: statutory changes over the years will continue to require system modifications; system enhancements to improve options for customers also continue; and the support and maintenance of the applications continue post-launch. In addition to creating the business rules for the online systems, the SoS provided agency staff time in development, system support, enhancements, data migration from legacy systems, and imaging of permanent state records from microfilm. This required the agency to expend revenue to aid in providing access to the most comprehensive database possible. The SoS staff continues to support the application with filings and searches in the business filings application requiring a manual review of filings and document requests in a queue to provide quality assurance and accuracy in the requested information. In addition to daily staff time in the UCC and Business Filings divisions, the online systems and payment processing components are supported by IT staff, legal staff, and administrative staff on a daily basis.

Search South Carolina State Boards & Commissions

Boards & Commissions Search Home

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

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

Last Name: First Name: City:

Appointment Type: District:
 Active Members Vacant Seats Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Arnette, Wade C.	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District, Lay Member	2/8/2018	7/1/2020	
Balley, Alpha T.	South Carolina Residential Builders Commission	1st Congressional District	6/3/2016	6/30/2020	
Banks, Ira L.	State Vocational Rehabilitation Board	1st Congressional District	6/17/2015	3/15/2018	
Bates, Coleman	State Athletic Commission	1st Congressional District	4/12/2019	6/30/2022	
Battle, Kenneth E.	State Commission for Minority Affairs	1st Congressional District	3/15/2018	6/30/2021	
Bowie, Hunter L.	State Board of Physical Therapy Examiners	1st Congressional District, PT	8/30/2016	11/19/2019	
Brawley, W. Scott	Board of Commissioners of the South Carolina School for the Deaf and the Blind	1st Cong District	1/7/2014	5/15/2019	

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Last Name: First Name: City:

Appointment Type: District:
 Active Members Vacant Seats Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Burke, Elizabeth M.	College of Charleston Board of Trustees	Seat 1, 1st Congressional District	5/2/2018	6/30/2022	
Corbett, Cary C.	Lander University Board of Trustees	Seat 1, 1st Congressional District	4/27/2016	6/30/2020	
Daniel, L. Cherry	College of Charleston Board of Trustees	Seat 2, 1st Congressional District	4/27/2016	6/30/2020	
Howard, John E.	South Carolina Public Service Commission	1st Congressional District	5/25/2016	6/30/2020	
Johnson, Donald R. II	Medical University of South Carolina Board of Trustees	1st Congressional District, Medical	5/2/2018	6/30/2022	
Mayberry, Thomas	South Carolina Coastal Zone Management Appellate Panel	1st Congressional District	5/31/2003	6/1/2007	
McShane, Michael G.	South Carolina Conservation Bank	1st Congressional District	12/19/2018	7/1/2020	
Noore, Mark S.	Francis Marion University Board of Trustees	1st Congressional District, Seat 1	4/11/2018	6/30/2022	
Mullen, George E.	Coastal Carolina University Board of Trustees	Seat 1, 1st Congressional District	5/1/2019	6/30/2023	
Pratt, Candace W.	South Carolina Real Estate Commission	1st Congressional District	1/25/2018	3/6/2021	

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

Last Name: First Name: City:

Appointment Type: District:
 Active Members Vacant Seats Both

Official Names	Organization Name	Position	Appointed Date	Expiration Date	Coterm/At Pleasure Of
Gross, Richard H. M.D.	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District			
Hensel, John M. M.D.	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District			
Kaplan, Raymond S. M.D.	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District			
Scott, Valerie A. M.D.	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District			
VACANT	Medical Disciplinary Commission of the State Board of Medical Examiners	1st Congressional District			

If you are an appointing authority or administrator of a state board or commission and need to report an appointment, resignation, or other change in membership to the Secretary of State's Office, you may send your written notification to:

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Name:

Search Results

- 1 Accountability Strategy for the South Carolina Prevention Programs Review Panel
- 2 South Carolina Board of Accountancy

If you are an appointing authority or administrator of a state board or commission and need to report an appointment, resignation, or other change in membership to the Secretary of State's Office, you may send your written notification to:

SC Secretary of State's Office
 Attn: Boards & Commissions
 1205 Pendleton Street, Suite 525
 Columbia, SC 29201

For additional information on state boards and commissions, please visit our Boards and Commissions FAQs page. You may also call our Boards and Commissions Division at (803) 734-2512.

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