~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 1, 2012

**S. 1025**

Introduced by Senator Campsen

S. Printed 2/1/12--S.

Read the first time January 10, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1025) to amend Section 7‑17‑10, Code of Laws of South Carolina, 1976, relating to the county board of canvassers, so as to change the meeting date, 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 the bill in its entirety and inserting:

/ A BILL

TO AMEND SECTION 5-15-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FOR CERTIFYING RESULTS FROM ONE DAY TO TWO DAYS; TO AMEND SECTION 7‑17‑10, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS FOR ALL ELECTIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7-17-510, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY.

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

SECTION 1. Section 5-15-100 of the 1976 Code is amended to read:

“Section 5-15-100. The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to Section 7‑5‑640, and shall also have the functions, powers and duties of commissioners of election, as set forth in Section 7‑13‑70 and other provisions of Title 7. The municipal election commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall certify the results of the election to the commission within ~~one day~~two days and the commission shall declare the results not later than three days following the election.

Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.”

SECTION 2. Section 7‑17‑10 of the 1976 Code is amended to read:

“Section 7‑17‑10. The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the ~~Friday~~Monday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 3. Section 7‑17‑20 of the 1976 Code is amended to read:

“Section 7‑17‑20. The county board of canvassers, respectively, shall then proceed to canvass the votes of the county and make such statements of such votes as the nature of the election shall require no later than noon on the ~~Saturday~~Tuesday next following the election and at such time shall transmit to the State Board of Canvassers the results of their findings.”

SECTION 4. Article 1, Chapter 17, Title 7 of the 1976 Code is amended by adding:

“Section 7‑17‑25. Post‑election audits to correct or verify the outcome of all elections must be completed by the county election commissions prior to certification of the election pursuant to regulations promulgated by the State Election Commission. These regulations must include a provision that audit data and reports must be available to the public.”

SECTION 5. Section 7-17-510 of the 1976 Code is amended to read:

“Section 7-17-510. The commissioners of election for the counties shall convene a meeting on the Thursday next following the primary, before one o’clock p.m. of that day and shall organize as the county board of canvassers for primaries. They may appoint a competent person as secretary. The chairman shall administer the constitutional oath to each member of the board and to the secretary. The secretary shall administer to the chairman the same oath. Each county board of canvassers for primaries shall canvass the votes of the county and declare the results. The county board of canvassers for primaries shall make statements of the votes of the precincts of its county as the nature of the primary requires not later than twelve o’clock noon on the ~~Saturday~~Tuesday next following the primary and at that time transmit and certify to the Board of State Canvassers the results of its findings. This procedure must be repeated following every primary runoff. The Board of State Canvassers shall convene a meeting scheduled through the office of the State Election Commission and shall canvass the vote and declare the results of the primaries and the runoffs no later than twelve o’clock noon on the ~~Saturday~~Tuesday next following the primary in the State for state offices, federal offices, and offices involving more than one county. Nothing in this section prohibits any meeting required by this section from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting provided for in this section must be accessible and without cost to the public and must comply with the notice requirements of Chapter 4, Title 30, the Freedom of Information Act.”

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

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Election Commission estimates a fiscal impact of approximately $75,000 in salary and fringe costs for one (1) FTE in order to meet the post-election audits requirements of this bill.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the Office of State Budget has surveyed members of the FIST Network. To date, we have received not received a response. The responses will be forwarded upon receipt.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 7‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; AND TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION.

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

SECTION 1. Section 7‑17‑10 of the 1976 Code is amended to read:

“Section 7-17-10. The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the ~~Friday~~Monday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 2. Section 7‑17‑20 of the 1976 Code is amended to read:

“Section 7-17-20. The county board of canvassers, respectively, shall then proceed to canvass the votes of the county and make such statements of such votes as the nature of the election shall require no later than noon on the ~~Saturday~~Tuesday next following the election and at such time shall transmit to the State Board of Canvassers the results of their findings.”

SECTION 3. Article 1, Chapter 17, Title 7 of the 1976 Code is amended by adding:

“Section 7‑17‑25. Post‑election audits to correct or verify the outcome of an election must be completed by the county election commissions prior to certification of the election pursuant to regulations promulgated by the State Election Commission. These regulations must include a provision that audit data and reports must be available to the public.”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑