**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4259**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harris

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Introduced in the House on April 5, 2023

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

Summary: Hand Count Audit Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/5/2023 House Introduced and read first time (House Journal‑page 8)

 4/5/2023 House Referred to Committee on **Judiciary** (House Journal‑page 8)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4259&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4259_20230405.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by enacting THE “HAND COUNT AUDIT ACT”; BY ADDING SECTION 7‑13‑1180 SO AS TO REQUIRE EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS TO CONDUCT A POSTELECTION AUDIT OF ELECTION RESULTS THROUGH A HAND COUNT OF VOTES CAST WITHIN A MINIMUM NUMBER OF RANDOMLY SELECTED PRECINCTS; AND BY ADDING SECTION 7‑13‑1190 SO AS TO, AMONG OTHER THINGS, AUTHORIZE THE COUNTY CHAIRPERSON OF ANY CERTIFIED POLITICAL PARTY AND THE GOVERNING BODY OF a COUNTY TO INVESTIGATE THE INTEGRITY OF AN ELECTION AS CONDUCTED WITHIN THAT COUNTY BY REQUESTING, WITHOUT LIMITATION, A FULL HAND RECOUNT, A POSTELECTION AUDIT OF PAPER BALLOTS, OR A FORENSIC AUDIT.

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

SECTION 1. This act may be cited as the “Hand Count Audit Act”.

SECTION 2. Article 11, Chapter 13, Title 7 of the S.C. Code is amended by adding:

 Section 7‑13‑1180. (A) Notwithstanding the provisions of Section 7‑3‑20, each county board of voter registration and elections shall conduct a postelection audit of precinct election results following every statewide general election in accordance with the provisions of this section.

 (B) The audit must consist of a hand count of all votes cast for at least five contested races within at least three precincts of each county for comparison to vote totals tabulated by machine. To the extent feasible, the five or more contested races subject to a hand count must include, at a minimum:

 (1) one statewide office or question;

 (2) one federal office; and

 (3) one countywide or less than countywide office or question.

 (C) The three or more precincts to be hand counted in each county must be randomly selected in a public manner after no less than twenty‑four hours’ notice to the public of the date, time, and location where the selection will take place.

 (D) When a federal or statewide office is included as one of the contested races subject to a hand count pursuant to the provisions of this section, each precinct within a county selected pursuant to subsection (C) must hand count all votes cast for that office.

 (E) When there are less than five contested races or ballot measures on the ballot in a precinct, all contested races and ballot measures must be counted by hand. Write‑in votes or candidacies are not considered when determining whether a race is contested for purposes of this section.

 (F) The hand counting of votes under this section may only commence after no less than twenty‑four hours’ notice to the public of the date, time, and location where the hand count will be conducted.

 (G) Any notice required by the provisions of this section must be published, at a minimum, to a website or webpage managed by, or on behalf of, the State Election Commission and each respective county board of voter registration and elections.

 (H) Candidates or their representatives, party representatives, poll watchers, and observers must be permitted access to observe all aspects of the audit or hand count process required by this section.

SECTION 3. Article 11, Chapter 13, Title 7 of the S.C. Code is amended by adding:

 Section 7‑13‑1190. (A) Following the completion of any postelection audits conducted pursuant to Sections 7‑3‑20(D) or 7‑13‑1180, and any time within twenty‑two months from the date of an election, the county chairperson of any certified political party and the governing body of each county have the authority to investigate, in coordination with the appropriate county board of voter registration and elections, the integrity of the election as conducted within the respective county.

 (B) The authority referenced in subsection (A) includes, but is not limited to, requesting a:

 (1) full hand recount without the assistance of any electronic tabulation or other equipment;

 (2) postelection audit of paper ballots; and

 (3) forensic audit.

 (C) A hand recount or audit requested pursuant to subsection (B) must be completed within ninety days of the date of the request.

 (D) Audit or hand count teams, to the extent necessary to complete an audit or hand count requested under subsection (B), must consist of at least three individuals selected by agreement of the chairperson of the respective county political party, the governing body of the county, and the director of the respective county board of voter registration and elections. At least one member of each team must be affiliated with the majority political party represented in the General Assembly, and at least one member of each team must be affiliated with the largest minority political party represented in the General Assembly. The third member may be affiliated with any political party or unaffiliated. As many teams as are considered necessary may be appointed to conduct an audit or hand count pursuant to the provisions of this section.

 (E) The Legislature may appropriate funds for purposes of carrying out the provisions of this section from any source including, but not limited to, the Help America Vote Act of 2002 (HAVA). In the event funds are not appropriated pursuant to this subsection or are otherwise unavailable, the chairman of the county political party requesting the audit or hand count may seek other available funding from any source, including private sources. Provided, all funds accepted, expended, or otherwise utilized for the purposes of carrying out the provisions of this section must be publicly accounted for and are subject to the provisions of the Freedom of Information Act, Sections 30‑40‑10, et seq.

SECTION 4. This act takes effect upon approval by the Governor and applies to all elections conducted after January 1, 2024.

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