**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3546**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Companion/Similar bill(s): 404

Introduced in the House on February 2, 2011

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

Summary: Uniformed and Overseas Citizens Absentee Voters Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2011 House Introduced and read first time ([House Journal‑page 17](file:///h:\hj%20archive\2011\02-02-11.docx))

2/2/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 17](file:///h:\hj%20archive\2011\02-02-11.docx))

**VERSIONS OF THIS BILL**

[2/2/2011](file:///p:\pprever\2011-12\3546_20110202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT”; TO AMEND SECTION 7‑15‑400, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE‑IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE‑IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE‑IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO AMEND SECTION 7-15-405, RELATING TO VOTER ELIGIBILITY AND ABSENTEE INSTANT RUNOFF BALLOTS, SO AS TO SUBSTITUTE THE WORD, “SENT” FOR “MAILED”; BY ADDING SECTION 7‑15‑406 SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY‑FIVE DAYS PRIOR TO AN ELECTION; TO AMEND SECTION 7‑15‑460, AS AMENDED, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; TO AMEND SECTION 7‑15‑220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT; AND TO AMEND SECTION 7-15-380, AS AMENDED, RELATING TO THE OATH OF ABSENTEE BALLOT APPLICANTS, SO AS TO EXEMPT QUALIFIED UNIFORMED AND OVERSEAS ABSENTEE VOTERS.

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

SECTION 1. This act may be cited as the “South Carolina Uniformed and Overseas Citizens Absentee Voters Act”.

SECTION 2. Section 7‑15‑400 of the 1976 Code is amended to read:

“Section 7‑15‑400. (A) A qualified absentee elector, as provided in subsection (C) of this section, may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent, or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special or federal write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application, federal write‑in absentee ballot, or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the County Board of Registration shall issue the special write‑in absentee ballot ~~which~~ that must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified absentee elector alternatively may submit a federal write‑in absentee ballot for any federal, state, or local office, or state or local ballot measure.

(F) A qualified absentee elector may use the declaration accompanying a federal write‑in absentee ballot simultaneously to register to vote and as an application for an absentee ballot.”

SECTION 3. Section 7‑15‑405(A) of the 1976 Code, as added by Act 253 of 2006, is amended to read:

“(A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot with an absentee instant runoff ballot for each potential second primary must be ~~mailed~~sent to the elector at least forty‑five days prior to the primary election.”

SECTION 4. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑406. For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot must be sent to the elector at least forty‑five days prior to any election.”

SECTION 5. Section 7‑15‑460 of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“Section 7‑15‑460. (A) To ensure that all South Carolina residents eligible to vote, as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission ~~must~~, in cooperation with United States government agencies, must take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76 issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots ~~to or from any elector eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act~~ for all elections for federal, state, and local offices to voters in accordance with their preferred method of transmission.

(B) The State Election Commission shall provide an electronic free access ballot tracking system for all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act.

~~(B)~~(C) The State Election Commission shall promulgate all regulations necessary for the implementation of this section.”

SECTION 6. Section 7‑15‑220 of the 1976 Code is amended to read:

“Section 7‑15‑220. (A) The oath, a copy of which is required by item (2) of Section 7‑15‑200 to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, ~~shall~~ must be signed by the absentee ballot applicant and witnessed. The oath ~~shall~~ must be in the following form:

I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 19\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

SECTION 7. Section 7‑15‑380 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑380. (A) The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope~~,~~ furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 19\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

SECTION 8. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.

SECTION 9. This act takes effect on approval of the Governor.

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