**South Carolina General Assembly**

124th Session, 2021-2022

**S. 113**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen and Climer

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Introduced in the Senate on January 12, 2021

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

Summary: Absentee voting

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 177](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 177](file:///h:\sj\20210112.docx))

3/12/2021 Senate Referred to Subcommittee: Campsen (ch), Hutto, Young, McLeod, Garrett

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\113_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑15‑480 SO AS TO PROVIDE THAT A COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, AND ANY EXTENSION OFFICE OF A COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS ESTABLISHED BY A COUNTY’S GOVERNING BODY, MUST NOT START IN-PERSON ABSENTEE VOTING MORE THAN THIRTY DAYS BEFORE THE DAY OF AN ELECTION; TO AMEND SECTION 7-15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO PROVIDE THAT A QUALIFIED ELECTOR MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN AN ELECTION IF THE QUALIFIED ELECTOR’S PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR AND THERE ARE FEWER THAN FORTY-SIX DAYS REMAINING UNTIL THE DAY OF THE ELECTION; TO AMEND SECTION 7-15-330, AS AMENDED, RELATING TO THE PROCEDURAL REQUIREMENTS FOR ABSENTEE BALLOT APPLICATIONS, SO AS TO REVISE THE APPLICABLE PROCEDURES; AND TO AMEND SECTION 7-15-385, RELATING TO THE PROCEDURES FOR MARKING, RETURNING, AND STORING ABSENTEE BALLOTS, SO AS TO REVISE THESE PROCEDURES.

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

SECTION 1. Article 7, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑480. A county board of voter registration and elections, and any extension office of a county board of voter registration and elections established by a county’s governing body, must not start in-person absentee voting more than thirty days before the day of an election.”

SECTION 2. Section 7‑15‑320 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector’s place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the day of the election.”

SECTION 3. Section 7-15-330 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7-15-330. (A) To vote by absentee ballot~~,~~:

(1) a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the county board of voter registration and elections as established by the county governing body, for the county of the voter's residence~~.~~ ;or

(2) ~~A person requesting an application for a qualified elector as the qualified elector’s~~ a qualified elector’s authorized representative, as defined in Section 7-15-310, must request an application to vote by absentee ballot in person or by mail ~~only~~ and ~~must himself be a registered voter and~~ must sign an oath to the effect that he fits the statutory definition of ~~a~~ an authorized representative. ~~This~~ The signed oath must be kept on file with the county board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. ~~A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.~~

(B) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. ~~However,~~ Completed applications must be returned ~~to the county board of voter registration and elections~~:

(1) in person or by mail ~~before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320.~~ to the county board of voter registration and elections no later than 5:00 p.m. on the tenth day before the day of the election if the qualified elector requests to vote by absentee ballot by mail; or

(2) in person to the county board of voter registration and elections or an extension office of the board as established by the county governing body no later than 5:00 p.m. on the day before the election if the qualified elector requests to vote by absentee ballot in person.

(C) ~~A member of the immediate family of~~ Notwithstanding the provisions of subsection (B), if a person ~~who~~ is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election, then a member of the person’s immediate family may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the county board of voter registration and elections.

(D) The county board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(E) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 4. Section 7-15-385 of the 1976 Code is amended to read:

“Section 7-15-385. (A) Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’ which in turn must be placed in the return‑addressed envelope.

(B) The applicant must ~~then~~ return the return‑addressed envelope ~~to the board of voter registration and elections~~ only by:

(1) mail~~,~~ to the county board of voter registration and elections;

(2) ~~by~~ personal delivery~~,~~ to an election official during office hours at the county board of voter registration and elections or to an election official during office hours at an extension office of the board as established by the county governing body; or

(3) ~~by~~ authorizing ~~another person~~ a member of the applicant’s immediate family to return the envelope for him to an election official during office hours at the county board of voter registration and elections or to an election official during office hours at an extension office of the board as established by the county governing body.

(C) An applicant who authorizes a member of his immediate family to return the return-addressed envelope for him pursuant to this section must complete an ~~The~~ authorization ~~must be given in writing on a~~ form prescribed by the State Election Commission ~~and~~ that must be turned in ~~to the board of voter registration and elections~~ by the authorized returnee at the time the return-addressed envelope is returned. ~~The voter must sign the form, or in the event~~ If the ~~voter~~ applicant cannot write because of a physical handicap or illiteracy, then the ~~voter~~ applicant must make his mark and have the mark witnessed by someone designated by the ~~voter~~ applicant. The authorization form must be preserved as part of the record of the election, and the county board of voter registration and elections must note ~~the authorization and the name of the authorized returnee~~ in the record book required by Section 7‑15‑330 that the return-addressed envelope was returned by an authorized returnee along with the name of the authorized returnee and the relationship to the applicant. ~~A candidate or a member of a candidate's paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter's immediate family as defined in Section 7‑15‑310.~~

(D) The oath set forth in Section 7‑15‑380 must be signed and witnessed on each returned envelope.

(E) The board of voter registration and elections must record in the record book required by Section 7‑15‑330 the date ~~the~~ a return‑addressed envelope ~~with witnessed oath and enclosed ballot or ballots~~ is received by the board~~. The board~~ and must securely store the ~~envelopes~~ envelope in a locked box within the office of the board of voter registration and elections.”

SECTION 5. This act takes effect upon approval by the Governor.

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