**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3525**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hill, Long and Gagnon

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Introduced in the House on January 12, 2021

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

Summary: SC Election Fraud Law Enforcement Act of 2021

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2020 House Prefiled

12/16/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 224](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 224](file:///h:\hj\20210112.docx))

3/23/2021 House Member(s) request name added as sponsor: Gagnon

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**VERSIONS OF THIS BILL**

[12/16/2020](file:///p:\pprever\2021-22\3525_20201216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA ELECTION FRAUD LAW ENFORCEMENT ACT OF 2021”; BY ADDING SECTION 7‑5‑35 SO AS TO REQUIRE THE DIRECTORS OF THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO REPORT ALL SUSPECTED VIOLATIONS OF THE STATE’S ELECTION LAWS TO THE SOUTH CAROLINA ATTORNEY GENERAL AND TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WHEN, IN THE DIRECTOR’S PROFESSIONAL CAPACITY, HE HAS RECEIVED INFORMATION THAT GIVES HIM REASON TO BELIEVE THAT AN OFFENSE AGAINST THE STATE’S ELECTION LAWS HAS OCCURRED; TO AMEND SECTION 7‑3‑20, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION TO REPORT ALL SUSPECTED VIOLATIONS OF THE STATE’S ELECTION LAWS TO THE SOUTH CAROLINA ATTORNEY GENERAL AND TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WHEN, IN THE EXECUTIVE DIRECTOR’S PROFESSIONAL CAPACITY, HE HAS RECEIVED INFORMATION THAT GIVES HIM REASON TO BELIEVE THAT AN OFFENSE AGAINST THE STATE’S ELECTION LAWS HAS OCCURRED; TO AMEND SECTION 7‑15‑385, RELATING TO THE MARKING AND RETURN OF ABSENTEE BALLOTS, SO AS TO REQUIRE AN AUTHORIZED RETURNEE OF ANOTHER VOTER’S RETURN‑ADDRESSED ABSENTEE BALLOT ENVELOPE TO PRODUCE A CURRENT AND VALID FORM OF GOVERNMENT‑ISSUED PHOTO IDENTIFICATION; TO AMEND SECTION 7‑15‑420, AS AMENDED, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO REQUIRE THE APPROPRIATE ELECTIONS ENTITY TO VERIFY THAT THE ABSENTEE VOTER’S SIGNATURE ON THE RETURN‑ADDRESSED ENVELOPE MATCHES THE VOTER’S SIGNATURE ON FILE WITH THE ELECTIONS ENTITY, AND TO PROVIDE THAT WHEN AN ABSENTEE VOTER’S SIGNATURE ON THE RETURN‑ADDRESSED ENVELOPE IS DETERMINED NOT TO MATCH THE VOTER’S SIGNATURE ON FILE WITH THE ELECTIONS ENTITY, THE RETURN ADDRESSED ENVELOPE MUST NOT BE OPENED, BUT MUST BE PUT ASIDE AND THE PROVISIONAL VOTING PROCEDURE SET FORTH IN SECTION 7‑13‑830 MUST BE UTILIZED; AND TO AMEND SECTION 7‑25‑50, RELATING TO BRIBERY AT ELECTIONS, SO AS TO PROHIBIT THE PURCHASE OR SALE OF ABSENTEE BALLOTS.

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

SECTION 1. This act is known and may be cited as the “South Carolina Election Fraud Law Enforcement Act of 2021”.

SECTION 2. Article 1, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑35. A director of a county board of voter registration and elections shall report all suspected violations of the state’s election laws to the South Carolina Attorney General and to the appropriate law enforcement agency when, in the director’s professional capacity, he has received information that gives him reason to believe that an offense against the state’s election laws has occurred.”

SECTION 3. Section 7‑3‑20(C) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) report all suspected violations of the state’s election laws to the South Carolina Attorney General and to the appropriate law enforcement agency when, in the executive director’s professional capacity, he has received information that gives him reason to believe that an offense against the state’s election laws has occurred.”

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. The applicant must then return the return‑addressed envelope to the board of voter registration and elections by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of voter registration and elections at the time the envelope is returned. The voter must sign the form, or 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 authorization form prescribed by the State Election Commission must include a designated space in which the appropriate elections official or employee shall record the specific form of government‑issued photo identification presented by the authorized returnee. The authorization must be preserved as part of the record of the election, and the board of voter registration and elections must note the authorization, and the name of the authorized returnee, and the authorized returnee’s form of government‑issued photo identification in the record book required by Section 7‑15‑330. 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. The oath set forth in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of voter registration and elections must record in the record book required by Section 7‑15‑330 the date the return‑addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board. The board must securely store the envelopes in a locked box within the office of the board of voter registration and elections.

(B)(1) When an authorized returnee presents himself to the board of voter registration and elections to deliver a return‑addressed envelope in person pursuant to subsection (A), he shall produce a valid and current:

(a) South Carolina driver’s license;

(b) another form of identification containing a photograph issued by the Department of Motor Vehicles;

(c) passport;

(d) military identification containing a photograph issued by the federal government; or

(e) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7‑5‑675.

(2) The appropriate elections official or employee who receives a return‑addressed envelope from an authorized returnee shall:

(a) compare the photograph contained on the required identification with the person presenting himself as an authorized returnee; and

(b) verify that the photograph is that of the person personally delivering the return‑addressed envelope.”

SECTION 5. Section 7‑15‑420 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7‑15‑420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7‑5‑10, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return‑ addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return‑addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.

(B) The elections entities identified in subsection (A) shall verify that absentee voters’ signatures appearing on the return‑addressed envelopes match the respective voter’s signature on file with the elections entity. If an absentee voter’s signature on the return‑addressed envelope is determined not to match the voter’s signature on file with the elections entity, the return‑addressed envelope must not be opened, but must be put aside and the provisional voting procedure set forth in Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.”

SECTION 6. Section 7‑25‑50 of the 1976 Code is amended to read:

“Section 7‑25‑50. (A) It is unlawful for a person to procure, by the payment, delivery, or promise of money or other article of value, another to vote for or against any particular candidate or measure at any election held within this State, whether general, special, or primary, for members of the Congress of the United States, members of the General Assembly of this State, sheriff, clerk, judge of probate or other county officer, mayor, and aldermen of any city or intendant and wardens of any incorporated town, or at any other election held within this State. It is also unlawful for a person to accept such procurements. The person promising and the person voting are each guilty of a felony and, upon conviction, for the first offense, must be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not more than five years. Upon conviction for a second or subsequent offense, the person must be fined not less than five hundred dollars nor more than five thousand dollars and imprisoned not more than ten years.

(B)(1) A person may not, directly or indirectly, give, offer, or promise anything of value to an elections official, employee, or to a voter in return for:

(a) an absentee ballot; or

(b) a voter’s authorization to allow another person to return his return‑addressed absentee ballot envelope for him pursuant to Section 7‑15‑385.

(2) An elections official, employee, or a voter may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value in exchange for:

(a) an absentee ballot; or

(b) a voter’s authorization to allow another person to return his return‑addressed absentee ballot envelope for him pursuant to Section 7‑15‑385.

(3) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than five years and a fine of not more than five hundred dollars. An elections official or employee who violates the provisions of this section forfeits his public office, membership, or employment.”

SECTION 7. SECTION 5 of this act takes effect January 1, 2022. All other SECTIONS of this act take effect upon approval by the Governor.

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