**South Carolina General Assembly**

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**S. 895**

**STATUS INFORMATION**

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Summary: Voter list maintenance

**HISTORY OF LEGISLATIVE ACTIONS**

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12/6/2021 Senate Introduced and read first time ([Senate Journal‑page 17](file:///h:\sj\20211206.docx))

12/6/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 17](file:///h:\sj\20211206.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=895&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/6/2021](file:///p:\pprever\2021-22\895_20211206.docx)

**A** **BILL**

TO AMEND SECTION 7‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; TO AMEND SECTION 7‑3‑40, RELATING TO MONTHLY REPORTS TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION OF PERSONS WHO HAVE DIED IN THE STATE, SO AS TO INCLUDE PERSONS WHO DIED OUT‑OF‑STATE; TO AMEND SECTION 7‑5‑186, RELATING TO THE STATEWIDE VOTER REGISTRATION DATABASE, SO AS TO CLARIFY THE STATE ELECTION COMMISSION’S DUTIES IN MAINTAINING AND ADMINISTERING THE DATABASE; AND TO AMEND SECTIONS 7‑5‑320, 7‑5‑330, AND 7‑5‑340, ALL RELATING TO VOTER REGISTRATION AND VOTER LIST MAINTENANCE, ALL SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO REMOVE VOTERS FROM THE OFFICIAL LIST OF ELIGIBLE VOTERS WITHIN SEVEN DAYS OF RECEIPT OF INFORMATION AFFECTING VOTER ELIGIBILITY.

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

SECTION 1. Section 7‑3‑20 of the 1976 Code is amended to read:

“Section 7‑3‑20. (A) The State Election Commission shall elect an executive director who shall be directly responsible to the commission and who shall serve at the pleasure of the commission. The executive director shall be the chief administrative officer for the State Election Commission.

(B) The executive director shall receive such compensation and employ such staff, subject to the approval of the State Election Commission, as may be provided by law.

(C) The executive director shall:

(1) supervise the conduct of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, which administer elections and voter registration in the State and ensure those boards’ compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(2) establish rules and regulations for voter registration by private entities;

(3) immediately following certification of the election, conduct reviews, audits, or other postelection analysis of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, to ensure those boards’ compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process. Audits must be conducted publicly and results must be made available to the public no later than seven days after certification;

~~(3)~~(4) maintain a complete master file of all qualified electors by county and by precincts;

~~(4)~~(5) within seven days after receipt of information to delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

~~(5)~~(6) enter names on the master file as they are reported by the county boards of voter registration and elections;

~~(6)~~(7) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

~~(7)~~(8) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

~~(8)~~(9) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

~~(9)~~(10) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

~~(10)~~(11) obtain information from any other source which may assist him in carrying out the purposes of this section;

~~(11)~~(12) perform such other duties relating to elections as may be assigned him by the State Election Commission;

~~(12)~~(13) furnish at reasonable price any precinct lists to a qualified elector requesting them;

~~(13)~~(14) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993;

~~(14)~~(15) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C.~~,~~ Title 42, Section 1973ff, et seq.; and

~~(15)~~(16) establish and maintain under Section 7‑5‑186 a statewide voter registration database that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law.

(D) The State Election Commission shall publish on the commission’s website each change to voting procedures enacted by state or local governments. State and local governments shall file notice of all changes in voting procedures, including, but not limited to, changes to precincts with the State Election Commission within five days after adoption of the change or thirty‑five days prior to the implementation, whichever is earlier. All voting procedure changes must remain on the commission’s website at least through the date of the next general election. However, if changes are made within three months prior to the next general election, then the changes shall remain on the commission’s website through the date of the following general election.”

SECTION 2. Section 7‑3‑40 of the 1976 Code is amended to read:

“Section 7‑3‑40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State and all qualified electors eighteen years of age or older who have died out‑of‑state since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide this information at no charge.”

SECTION 3. Section 7‑5‑186 of the 1976 Code is amended to read:

“Section 7‑5‑186. (A)~~(1)~~ The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law. The executive director must conduct a general registration list maintenance program every year to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

~~(2)(a)~~(B) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

~~(b)~~(C) ~~Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both~~ The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. The executive director is authorized to cause at his discretion the official list of electors to be compared to the National Change of Address information supplied by the United States Postal Service through its licensees periodically for the purpose of identifying those electors whose addresses have changed. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the State providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

~~(c)~~(D) A county board of voter registration and elections shall ~~contact~~ send a notice to a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection ~~(A)(2)(a)~~ (B) and (C) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency. The notice as described in Section 7‑5‑330(F)(2) must be sent within seven days after identification of a discrepancy.

~~(3)~~ ~~The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.~~”

SECTION 4. Sections 7‑5‑320, 7‑5‑330, and 7‑5‑340 of the 1976 Code are amended to read:

“Section 7‑5‑320. (A)(1) Each state motor vehicle driver’s license application, including a renewal application, submitted to the Department of Motor Vehicles serves as an application for voter registration unless the applicant fails to sign the voter registration application. Failure to sign the voter registration portion of the driver’s license application serves as a declination to register.

(2) An application for voter registration submitted under item (1) is considered to update any previous voter registration by the applicant.

(B) No information relating to the failure of an applicant for a state motor vehicle driver’s license to sign a voter registration application may be used for any purpose other than voter registration.

(C)(1) The Department of Motor Vehicles shall include a voter registration form as part of an application for a state motor vehicle driver’s license.

(2) The voter registration application portion of an application for a state motor vehicle driver’s license:

(a) may not require any information that duplicates information required in the driver’s license portion of the form, other than a second signature or other information necessary under subitem (c);

(b) may require only the minimum amount of information necessary to:

(i) prevent duplicate voter registrations; and

(ii) enable a county board of voter registration and elections to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(c) includes a statement that:

(i) states each eligibility requirement, including citizenship;

(ii) contains an attestation that the applicant meets each requirement; and

(iii) requires the signature of the applicant under penalty of perjury;

(d) includes in print identical to that used in the attestation portion of the application:

(i) the information required in Section 7‑5‑320(C)(2)(c);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that, if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(e) must be made available, as submitted by the applicant, to the county board of voter registration and elections in which the application is made.

(D) A change of address form submitted in accordance with state law for purposes of a state motor vehicle driver’s license serves as notification of change of address for voter registration ~~unless the qualified elector states on the form that the change of address is not for voter registration purposes~~ pursuant to Section 7‑5‑186(D).

(E)(1) A completed voter registration portion of an application for a state motor vehicle driver’s license accepted at a state motor vehicle authority must be transmitted to the county board of voter registration and elections no later than ten days after the date of acceptance.

(2) If a registration application is accepted within five days before the last day for registration to vote in an election, the application must be transmitted to the county board of voter registration and elections not later than five days after the date of acceptance.

Section 7‑5‑330. (A) In the case of registration with a motor vehicle application under Section 7‑5‑320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than thirty days before the date of the election.

(B) In the case of registration by mail under Section 7‑5‑155, the valid voter registration form of the applicant must be postmarked no later than thirty days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than thirty days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than thirty days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, or if the elector fails to respond to the notice within thirty days after the date of the notice, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file within seven days after receipt of the report from the county board of voter registration and elections and ~~may~~ shall remove this elector upon compliance with the provisions of Section 7‑5‑330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector’s address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) ‘Notice’, as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than thirty days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector’s address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector’s name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re‑register to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.

Section 7‑5‑340. The State Election Commission shall:

(1) ensure that the name of a qualified elector ~~may not be~~ is removed from the official list of eligible voters ~~except~~ within seven days of receipt of information confirming:

(a) ~~at~~ the request of the qualified elector to be removed;

(b) ~~if~~ the elector is adjudicated mentally incompetent by a court of competent jurisdiction; ~~or~~

(c) ~~as provided under item (2);~~

~~(2)~~ ~~conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:~~

~~(a)~~ the death of the qualified elector; or

~~(b)~~(d) a change in the residence of the qualified elector;

~~(3)~~(2) inform applicants under Sections 7‑5‑155, 7‑5‑310, and 7‑5‑320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

~~(4)~~(3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official lists of eligible voters in compliance with the provisions of Section 7‑5‑330(F); this ~~subitem~~ item may not be construed to preclude:

(a) the removal of names from official lists of voters on a basis described in items (1) and (2); or

(b) correction of registration records pursuant to this article.”

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

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