

## Session 114 - (2001-2002)

### H 3789 General Bill, By Fleming, Harrison, Quinn, J. Young, Altman, Wilkins, Riser, Sandifer, Scott, Weeks and A. Young

**Summary:** Voting machine, ballots; County Registration, Election Commissions, Boards, terms; Uniform Election Procedure Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-15 SO AS TO PROVIDE THAT ALL MEMBERS OF COUNTY BOARDS OF REGISTRATION, COUNTY ELECTION COMMISSIONS, AND COMBINED COUNTY BOARDS OF REGISTRATION AND ELECTIONS COMMISSIONS MUST BE APPOINTED FOR STAGGERED TERMS OF FOUR YEARS AND TO PROVIDE FOR THE INITIAL APPOINTMENT OF THESE MEMBERS TO ENSURE THE STAGGERING OF TERMS; TO AMEND CHAPTER 13, TITLE 7, BY ADDING ARTICLE 2 SO AS TO PROVIDE FOR AN ELECTION TO BE CONDUCTED IN EVERY EVEN AND ODD-NUMBERED YEAR TO FILL SEATS OF ALL ELECTED BODIES WHOSE ELECTIONS TO FILL THOSE SEATS ARE PROVIDED BY LAW AT A TIME OTHER THAN AT THE TIME OF THE GENERAL ELECTION AND REQUIRE GOVERNING BODIES AND COUNTIES CONDUCTING A REFERENDUM TO AUTHORIZE GENERAL OBLIGATION DEBT TO CONDUCT THE REFERENDUM AT THE TIME OF THE GENERAL ELECTION OR ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN AN ODD-NUMBERED YEAR; BY ADDING SECTION 7-13-1115 SO AS TO PROVIDE A PROCEDURE FOR HAND COUNTS IF A VOTING MACHINE MALFUNCTIONS AND TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH POLICIES AND PROCEDURES FOR LOCAL COMMISSIONS TO FOLLOW WHEN HAND COUNTS ARE CONDUCTED; BY ADDING SECTION 7-17-75 SO AS TO REQUIRE THAT WHEN A LOSING CANDIDATE PROTESTS AN ELECTION ON ANY GROUNDS, OTHER THAN ON THE DISPARITY OF THE NUMBER OF BALLOTS CAST, THAT CANDIDATE MUST PAY ALL COSTS ASSOCIATED WITH THE PROTEST INCLUDING COSTS INCURRED BY THE STATE OR COUNTY ELECTION COMMISSION TO THE WINNING CANDIDATE IF THE BOARD HEARING THE PROTEST DETERMINES THAT THE PROTEST IS FRIVOLOUS AND WITHOUT MERIT; BY ADDING SECTION 7-15-335 SO AS TO PROVIDE THAT BEFORE EACH ELECTION, THE COUNTY BOARD OF REGISTRATION OR ITS DESIGNEE SHALL OFFER QUALIFIED RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES THE OPPORTUNITY TO APPLY FOR ABSENTEE BALLOTS; BY ADDING SECTION 7-15-470 SO AS TO AUTHORIZE A COUNTY BOARD OF REGISTRATION TO USE OTHER MEANS OF VOTING ABSENTEE INSTEAD OF BY PAPER BALLOT IF CERTIFIED BY THE STATE ELECTION COMMISSION AND TO AUTHORIZE THE COMMISSION TO ESTABLISH STANDARDS AND GUIDELINES TO EFFECTUATE THE PROVISIONS OF THIS SECTION; TO AMEND SECTION 7-5-10, AS AMENDED, RELATING TO APPOINTMENT AND REMOVAL OF MEMBERS OF COUNTY BOARDS OF REGISTRATION, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO NOTIFY THE RESPECTIVE LEGISLATIVE DELEGATIONS, OTHER APPOINTING AUTHORITIES, AND THE GOVERNOR OF THE PROGRESS EACH COUNTY REGISTRATION BOARD MEMBER HAS MADE TOWARD COMPLETION OF THE TRAINING AND CERTIFICATION PROGRAM REQUIRED BY THIS SECTION; TO AMEND SECTION 7-5-35, AS AMENDED, RELATING TO A COMBINED ELECTION AND REGISTRATION COMMISSION, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO NOTIFY THE RESPECTIVE LEGISLATIVE DELEGATIONS, OTHER APPOINTING AUTHORITIES, AND THE GOVERNOR OF THE PROGRESS EACH COMBINED COUNTY REGISTRATION BOARD AND ELECTION COMMISSION MEMBER HAS MADE TOWARD COMPLETION OF THE TRAINING AND CERTIFICATION PROGRAM REQUIRED BY THIS SECTION; TO AMEND SECTION 7-13-70, AS AMENDED, RELATING TO THE APPOINTMENT OF COUNTY COMMISSIONERS OF ELECTION, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO NOTIFY THE RESPECTIVE LEGISLATIVE DELEGATIONS, OTHER APPOINTING AUTHORITIES, AND THE GOVERNOR OF THE PROGRESS EACH COUNTY ELECTION COMMISSION MEMBER HAS MADE TOWARD COMPLETION OF THE TRAINING AND CERTIFICATION PROGRAM REQUIRED BY THIS SECTION; TO AMEND SECTION 7-13-190, AS AMENDED, RELATING TO CONDUCTING A SPECIAL ELECTION TO FILL A VACANCY IN OFFICE, SO AS TO PROVIDE THAT IF A SPECIAL ELECTION IS SCHEDULED TO BE HELD NO MORE THAN FIFTEEN DAYS AFTER A GENERAL ELECTION, THE SPECIAL ELECTION MUST BE HELD ON THE SAME DAY AS THE GENERAL ELECTION; TO AMEND SECTION 7-13-860, AS AMENDED, RELATING TO THE APPOINTMENT, QUALIFICATIONS, IDENTIFICATION, AND CONDUCT OF POLL WATCHERS, SO AS TO REQUIRE THE WATCHER TO BE A QUALIFIED VOTER OF THE STATE RATHER THAN THE COUNTY WHERE HE IS TO WATCH; TO AMEND SECTION 7-13-1120, RELATING TO THE DISPOSITION OF IMPROPERLY MARKED BALLOTS, SO AS TO PROVIDE THAT IF A HAND COUNT IS CONDUCTED PURSUANT TO THE PROVISIONS OF SECTION 7-13-1115, THE INTENT OF THE VOTER MUST BE CLEAR FROM THE FACE OF THE BALLOT PURSUANT TO POLICIES AND PROCEDURES ESTABLISHED BY THE STATE ELECTION COMMISSION; TO AMEND SECTION 7-13-1340, AS AMENDED, RELATING TO THE REQUIREMENT OF VOTE RECORDERS, SO AS TO ADD REFERENCES TO OPTICAL SCAN VOTING DEVICES

AND DELETE PROVISIONS REQUIRING SEPARATE VOTES FOR PRESIDENT; TO AMEND SECTION 7-15-330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO PROVIDE THAT ANY FORM FOR REQUESTING AN APPLICATION FOR AN ABSENTEE BALLOT MUST BE APPROVED BY THE STATE ELECTION COMMISSION PRIOR TO USE; AND TO FURTHER PROVIDE THAT A PERSON WHO REPRESENTS HIMSELF AS AN AUTHORIZED REPRESENTATIVE FOR A QUALIFIED ELECTOR AND WHO SIGNS AN OATH IN VIOLATION OF SECTION 7-25-190 IS SUBJECT TO THE PENALTIES FOR THAT OFFENSE.

03/22/01 House Introduced and read first time HJ-20  
03/22/01 House Referred to Committee on Judiciary HJ-23  
04/10/01 House Committee report: Favorable with amendment Judiciary HJ-2  
04/18/01 House Requests for debate-Rep(s). Govan, J. Brown, Gourdine, Breeland, Jennings, Rivers, Lloyd, Fleming, Mack, WD Smith, Robinson, Harrison, Davenport, Trotter, Perry, Hosey and Scott HJ-22  
04/26/01 House Requests for debate removed-Rep(s). Scott HJ-28  
04/26/01 House Requests for debate removed-Rep(s). Gourdine HJ-30  
04/26/01 House Requests for debate removed-Rep(s). Lloyd HJ-30  
05/09/01 House Amended HJ-42  
05/09/01 House Read second time HJ-79  
05/09/01 House Roll call Yeas-85 Nays-17 HJ-79  
05/10/01 House Read third time and sent to Senate HJ-27  
05/14/01 Senate Introduced and read first time SJ-7  
05/14/01 Senate Referred to Committee on Judiciary SJ-7  
04/03/02 Senate Committee report: Favorable with amendment Judiciary SJ-10  
05/01/02 Senate Special order SJ-27  
05/02/02 Senate Committee amendment amended SJ-38  
05/08/02 Senate Amended SJ-41  
05/08/02 Senate Read second time SJ-41  
05/08/02 Senate Ordered to third reading with notice of amendments SJ-41  
05/29/02 Senate Amended SJ-56  
05/29/02 Senate Read third time and returned to House with amendments SJ-56  
06/05/02 House Senate amendment amended HJ-45  
06/05/02 House Returned to Senate with amendments HJ-57  
06/05/02 Senate Non-concurrence in House amendment SJ-24  
06/05/02 House House insists upon amendment and conference committee appointed Reps. Fleming, Altman and Scott HJ-167  
06/06/02 Senate Conference committee appointed Sens. Setzler, Martin, Ritchie