**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4514**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McEachern, J.E. Smith and Douglas

Document Path: l:\council\bills\bbm\10983htc14.docx

Companion/Similar bill(s): 918

Introduced in the House on January 16, 2014

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

Summary: Voter registration qualifications and procedures

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2014 House Introduced and read first time ([House Journal‑page 232](file:///H:\HJ%20Archive\2014\01-16-14.docx))

1/16/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 232](file:///H:\HJ%20Archive\2014\01-16-14.docx))

**VERSIONS OF THIS BILL**

[1/16/2014](file:///p:\pprever\2013-14\4514_20140116.docx)

**A** **BILL**

TO AMEND SECTIONS 7‑5‑120 AND 7‑5‑180, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS AND PROCEDURES NECESSARY FOR PERSONS TO REGISTER TO VOTE, SO AS TO REVISE REFERENCES; TO AMEND SECTION 7‑5‑310, RELATING TO VOTER REGISTRATION AGENCIES, SO AS TO REFLECT A NAME CHANGE FOR ONE OF SUCH AGENCIES AND TO DELETE A REFERENCE TO DISABILITY; TO AMEND SECTION 7‑7‑990, AS AMENDED, RELATING TO THE ACCESSIBILITY OF POLLING PLACES, SO AS TO REVISE “BARRIER FREE” TO “ACCESSIBLE” AND TO DEFINE “ACCESSIBLE”, TO ALLOW ANY PERSON WITH DISABILITIES TO VOTE IN A COUNTYWIDE ACCESSIBLE POLLING PLACE AND REQUIRE THAT ANY ALTERNATIVE POLLING PLACE MUST BE ACCESSIBLE; TO AMEND SECTION 7‑7‑1000, RELATING TO PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO REQUIRE ANY POOLED PRECINCT TO BE ACCESSIBLE; TO AMEND SECTION 7‑15‑200, RELATING TO THE MAILING OF ABSENTEE BALLOTS, SO AS TO REQUIRE THAT ABSENTEE BALLOTS MUST BE AVAILABLE IN BRAILLE AND LARGE PRINT FORMAT; TO AMEND SECTION 7‑15‑310, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF ABSENTEE VOTING, SO AS TO REPLACE THE REFERENCE TO “PHYSICALLY DISABLED PERSON” TO “PERSON WITH A DISABILITY”, AND TO REVISE THE DEFINITION OF “AUTHORIZED REPRESENTATIVE”; TO AMEND SECTION 7‑15‑320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO REVISE REFERENCES RELATING TO DISABILITIES AND HOSPITALS; TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE PROCEDURE FOR ABSENTEE VOTING, SO AS TO CONFORM THE REFERENCES RELATING TO PERSONS ADMITTED TO HOSPITALS; TO AMEND SECTIONS 7‑15‑380 AND 7‑15‑385, BOTH AS AMENDED, RELATING TO THE OATH AND PROCEDURES REQUIRED FOR VOTING BY ABSENTEE BALLOT, SO AS TO UPDATE REFERENCES RELATING TO DISABILITY.

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

SECTION 1. Section 7‑5‑120(A)(2) of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“(2) is not laboring under the legal disabilities ~~named in the Constitution of 1895~~ provided in Section 7, Article II of the Constitution of this State; and”

SECTION 2. Section 7‑5‑180 of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“Section 7‑5‑180. Except as otherwise provided by law, a person who has not attained the age of eighteen years before the closing of the books of registration preceding any election, including presidential primary elections, but attains that age before the next ensuing election appears before the board of registration and makes application for registration, under oath as to the facts above stated entitling a person to registration, the board shall register the applicant, if he is otherwise qualified. ~~Any~~ A person not laboring under the legal disabilities ~~named in~~ provided in Section 7, Article II of the Constitution of this State and in Section 7‑5‑120 and whose qualification as an elector is completed after the closing of the registration books, but before the next ensuing election, has the right to apply for and secure registration at any time within one hundred twenty days immediately preceding the closing of the books for the election or for the primary election preceding the election. Written notification of approval or rejection must be issued personally or mailed by the board to each applicant on a form to be prescribed and provided by the State Election Commission. The decision of the board of registration may be appealed as provided by Section 7‑5‑230.”

SECTION 3. A. Section 7‑5‑310(B)(6) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(6) South Carolina Protection and Advocacy System for ~~the Handicapped~~ People with Disabilities, Inc.;”

B. Section 7‑5‑310(D) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(D) If a voter registration agency designated under the provisions of this section provides services ~~to a person with a disability~~ at ~~the person’s~~ a voter’s home, the agency shall provide the services described in subsection (C) at the person’s home.”

SECTION 4. Section 7‑7‑990 of the 1976 Code, as last amended by Act 494 of 1992, is further amended to read:

“Section 7‑7‑990. ~~A.~~ ~~Notwithstanding any other provision of law,~~ (A) The county election commission in each county of the State is encouraged to make every polling place ~~barrier free~~ accessible and shall provide at least one accessible polling place~~,~~ ~~free of architectural barriers, which shall be known as the Countywide Barrier‑Free Voting Precinct, for use by physically handicapped electors of the county~~. ~~Such~~ This polling place may be within any existing polling place that ~~now~~ is ~~barrier‑free or that is~~ made ~~barrier‑free~~ accessible. Any ~~physically handicapped~~ elector with disabilities, ~~regardless of his place of residence in the county,~~ may vote in this polling place ~~if he meets the following criteria:~~

~~(1)~~ ~~Elector either cannot ambulate without the aid of a wheelchair, leg braces, crutches or a walker, or elector suffers from a lung disease to such an extent that he is unable to walk without the aid of a respirator.~~

~~(2)~~ ~~Elector has applied in writing to and obtained from the county board of registration thirty days before the election a voting registration transfer authorizing the elector to vote at the county barrier‑free polling place. An elector whose physical handicap, as defined in item (1) of this subsection, is permanent, as certified by a licensed physician, is not required to register once he has done so initially under the provisions of this item.~~

~~B.~~ ~~For every election the State Election Commission shall furnish to the proper county or party officials a separate roster of those handicapped electors registered to vote at the barrier‑free polling place, and the county election officials shall ensure that election managers are designated to staff the barrier‑free polling place. Such roster shall also contain appropriate precinct and district references for each voter when practical and reasonable.~~

~~C.~~ ~~The county election commission shall be authorized to use paper ballots in lieu of voting machines in the Countywide Barrier‑Free Voting Precinct in those counties where voting machines are used.~~

~~D.~~ ~~When the Countywide Barrier‑Free Voting Precinct in the respective counties closes, the votes of the Countywide Barrier‑Free Voting Precinct shall be tabulated and reported as a separate precinct when other ballots of the county are counted on election day.~~

~~E.~~ ~~The provisions of this section shall only apply to elections conducted by the county election commission or county executive committee of a political party and are in lieu of voting by absentee ballot~~.

(B) In addition to a polling place made accessible pursuant to subsection (A) of this section, any alternative polling place established pursuant to Section 7‑7‑910(B) must be accessible.

(C) For purposes of this section, ‘accessible’ means a polling place that conforms to the applicable standards established by the United States Access Board.”

SECTION 5. Section 7‑7‑1000 of the 1976 Code, as added by Act 412 of 1998, is amended to read:

“Section 7‑7‑1000. For purposes of municipal elections only, a municipality may pool one or more precincts with other precincts and have one voting place for all of these pooled precincts. The precinct must be accessible as defined in Section 7‑7‑990(C) and must meet ~~upon~~ the following conditions:

(1) Any precinct which contains five hundred or more registered voters within the municipality must have its own voting place.

(2) The total number of registered voters within the municipality in each group of pooled precincts cannot exceed one thousand five hundred.

(3) The voting place of any precinct pooled with others cannot be more than three miles from the nearest part of any pooled precinct.

(4) The notice requirements of Section 7‑7‑15 must be complied with and in addition to this requirement, the location of voting places for all precincts including those pooled must be published in a newspaper of general circulation in the municipality on the day of the election. If the newspaper is not published daily, then on the date of publication nearest and prior to the date of election.

(5) Whenever precincts are pooled in a municipal election, the voter registration lists, poll lists, and ballots for each precinct represented must be used by the managers of election. Results of the election must also be reported and certified by individual precinct.”

SECTION 6. Section 7‑15‑200 of the 1976 Code is amended to read:

“Section 7‑15‑200. (A) Upon receipt of the list of names the county committee, the commissioners of election or other persons responsible for the conduct of the election shall, as soon as the ballots to be used in the election are delivered to them, mail at his absentee address, in one envelope, the following items to each person qualified to receive an absentee ballot and who has requested an absentee ballot:

(1) one of each ballot to be used in the election;

(2) a copy of the oath set forth in Section 7‑15‑220;

(3) printed instructions as to the marking, folding and return of each ballot and as to the signing and return of the oath;

(4) a return‑addressed envelope for the return of the ballots and the oath to the commissioners of election;

(5) any additional oath, instructions or information necessary to enable such absentee ballot applicant to execute and return a ballot legally acceptable by the officials charged with conducting such election.

(B) Ballots for absentee voters must be available in Braille and in large print. In applying for an absentee ballot, the applicant must be informed that such ballots are available and allowed to request such a ballot in lieu of the standard paper ballot delivered to absentee voters.”

SECTION 7. Items (4) and (7) of Section 7‑15‑310 of the 1976 Code are respectively amended to read:

“(4) The term ~~‘physically disabled person’~~ ‘person with a disability’ means a person who, because of ~~injury or illness~~ disability, cannot be present in person at ~~his~~ the voting place on Election Day.

(7) The term ‘authorized representative’ means a registered elector who, with the voter’s permission, ~~acts on behalf of a voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or a voter unable because of a physical handicap to go to his polling place or because of such handicap unable to vote at his polling place due to existing architectural barriers which deny him physical access to the polling place, voting booth, or voting apparatus or machinery. Under no circumstance shall a candidate or a member of a candidate’s paid campaign staff or volunteers reimbursed for the time they expend on campaign activity be considered an “authorized representative” of an elector desiring to vote by absentee ballot~~ returns the completed absentee ballot to the county voter registration and elections office.”

SECTION 8. Items (1), (4), and (5) of Section 7‑15‑320(B) of the 1976 Code, as last amended by Act 43 of 2011, are respectively further amended to read:

“(1) ~~physically disabled persons~~ people with disabilities;

(4) ~~persons attending sick or physically disabled persons~~ caregivers of people with disabilities;

(5) persons admitted to ~~hospitals as emergency patients on the day of an election or within a four‑day period before the election~~ health care facilities;”

SECTION 9. Section 7‑15‑330 of the 1976 Code, as last amended by Act 193 of 1989, is further amended to read:

“Section 7‑15‑330. To vote by absentee ballot, 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 registration board, or at an extension office of the board of registration as established by the county governing body, for the county of the voter’s residence. A person requesting an application for a qualified elector as the qualified elector’s authorized representative 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 representative. This signed oath must be kept on file with the board of registration 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. 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 registration board 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 registration 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. A member of the immediate family of 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~~ health care facility may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and then personally carry the ballot back to the board of registration. The board of registration 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; and the date upon which the form is issued. 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~~ persons in a health care facility must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 10. Section 7‑15‑380 of the 1976 Code, as last amended by Act 43 of 2011, 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~~ must appear on the oath. ~~In the event~~ If the voter cannot write because of a ~~physical handicap~~ disability or illiteracy, the voter ~~must~~ shall 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 \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

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

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 11. Section 7‑15‑385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑385. Upon receipt of the ballot or ballots, the absentee ballot applicant ~~must~~ shall 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 registration 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 registration at the time the envelope is returned. The voter must sign the form, or ~~in the event~~ if the voter cannot write because of a ~~physical handicap~~ disability or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of registration must note the authorization and the name of the authorized returnee 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 registration 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 registration board.”

SECTION 12. This act takes effect January 1, 2015, and applies for elections and primaries with candidate filing dates after December 31, 2014.

‑‑‑‑XX‑‑‑‑