**South Carolina General Assembly**

120th Session, 2013-2014

**S. 69**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Companion/Similar bill(s): 29

Introduced in the Senate on January 8, 2013

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

Summary: Voting identification

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 59](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 59](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\69_20121213.docx)

**A** **BILL**

TO AMEND SECTION 7-13-710 OF THE 1976 CODE, RELATING TO PRESENTATION OF IDENTIFICATION WHEN AN ELECTOR PRESENTS HIMSELF TO VOTE, TO PROVIDE THAT ELECTORS WHO FAIL TO PRODUCE A VALID AND CURRENT PHOTOGRAPH IDENTIFICATION MAY COMPLETE A STATEMENT AT THE POLLING PLACE AND AFFIRM THAT THE ELECTOR MEETS CERTAIN QUALIFICATIONS, TO PROVIDE THAT UPON COMPLETION OF THE STATEMENT, THE STATEMENT AND THE ELECTOR’S PROVISIONAL BALLOT MUST BE FILED WITH THE COUNTY BOARD OF REGISTRATION AND ELECTIONS, AND TO PROVIDE THAT SHOULD THE COUNTY BOARD OF REGISTRATION AND ELECTIONS DETERMINE THE VOTER WAS CHALLENGED ONLY FOR THE INABILITY TO PROVIDE PROOF OF IDENTIFICATION AND THE REQUIRED STATEMENT IS SUBMITTED, THE COUNTY BOARD OF REGISTRATION AND ELECTIONS SHALL FIND THAT THE PROVISIONAL BALLOT IS VALID UNLESS THE BOARD HAS GROUNDS TO BELIEVE THE STATEMENT IS FALSE.

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

SECTION 1. Section 7-13-710(D)(1) and (2) of the 1976 Code is amended to read:

“(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete ~~an affidavit~~ a statement under penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) has a religious objection to being photographed. Upon completion of the ~~affidavit~~ statement, the elector may cast a provisional ballot. The ~~affidavit~~ statement must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete ~~an affidavit~~ a statement under the penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification. The elector also shall list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the ~~affidavit~~ statement, the elector may cast a provisional ballot. The ~~affidavit~~ statement must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged only for the inability to provide proof of identification and the required ~~affidavit~~ statement is submitted, the county board of registration and elections shall find that the provisional ballot is valid unless the board has grounds to believe the ~~affidavit~~ statement is false.”

SECTION 2. This act takes effect upon approval by the Governor.

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