**South Carolina General Assembly**

125th Session, 2023-2024

**S. 406**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Senn and Kimbrell

Document Path: SFGF-0015BC23.docx

Introduced in the Senate on January 18, 2023

Introduced in the House on March 2, 2023

Last Amended on February 28, 2023

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

Summary: Early Voting Ballots

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/18/2023 Senate Introduced and read first time ([Senate Journal‑page 4](h:\sj\20230118.docx))

1/18/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](h:\sj\20230118.docx))

2/9/2023 Senate Referred to Subcommittee: Campsen (ch), Hutto,
Malloy, Garrett, Kimbrell

2/22/2023 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 18](h:\sj\20230222.docx))

2/28/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 42](h:\sj\20230228.docx))

2/28/2023 Senate Amended ([Senate Journal‑page 42](h:\sj\20230228.docx))

2/28/2023 Senate Read second time ([Senate Journal‑page 42](h:\sj\20230228.docx))

2/28/2023 Senate Roll call Ayes-41 Nays-0 ([Senate Journal‑page 42](h:\sj\20230228.docx))

3/1/2023 Senate Read third time and sent to House ([Senate Journal‑page 14](h:\sj\20230301.docx))

3/2/2023 House Introduced and read first time ([House Journal‑page 8](h:\hj\20230302.docx))

3/2/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 8](h:\hj\20230302.docx))

5/3/2023 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 94](h:\hj\20230503.docx))

5/9/2023 House Debate adjourned ([House Journal‑page 23](h:\hj\20230509.docx))

5/10/2023 House Requests for debate-Rep(s). Harris, Magnuson, Pace, Cromer, White, May, Gatch, Burns, AM Morgan, TA Morgan, Trantham, Connell, Mitchell, Whitmire, T Moore, Nutt, Hixon ([House Journal‑page 25](h:\hj\20230510.docx))

5/11/2023 House Debate adjourned until Tues., 1-9-24 ([House Journal‑page 56](h:\hj\20230511.docx))

1/10/2024 House Recommitted to Committee on **Judiciary** ([House Journal‑page 48](h:\hj\20240110.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=406&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/406_20230118.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/406_20230222.docx)

[02/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/406_20230228.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/406_20230504.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

May 3, 2023

S. 406

Introduced by Senators Campsen, Kimbrell and Senn

S. Printed 05/03/23--H.

Read the first time March 02, 2023

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The committee on HOUSE JUDICIARY

To who was referred a Bill (S.406) to amend the South Carolina Code of Laws by amending Section 7‑15‑420(d) and (e), relating to the tabulation of absentee ballots, so as to provide that ballots cast, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 2, by striking Section 7-13-1160 and inserting:

Section 7-13-1160. Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein.(A) After the closing of the polls on election day, each county board of voter registration and elections must report results continuously and without delay in the manner prescribed by the State Election Commission and in the following order:

(1) the unofficial results of the early voting period ballot tabulation;

(2) the unofficial results of the absentee ballot tabulation; and

(3) the unofficial results returned by the managers of election.

(B) If the reporting of unofficial election results of the early voting period ballot tabulation or absentee ballot tabulation would result in a delay in the reporting of the unofficial results returned by the managers of election, then a county board of voter registration and elections, upon approval by the Executive Director of the State Election Commission, may begin to report the unofficial results returned by the managers of election prior to reporting the early voting period ballot tabulation or absentee ballot tabulation, as applicable, but must report the early voting period ballot tabulation or absentee ballot tabulation, as applicable, as soon as is practicable.

Renumber sections to conform.

Amend title to conform.

WESTON NEWTON for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7‑15‑420(D) and (e), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

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

SECTION 1. Section 7-15-420(D) and (E) of the S.C. Code are amended to read:

(D) Beginning no earlier than 7:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed and the tabulated data collected from those ballots and from the ballots cast during the early voting period may be loaded into the election management system. If any absentee 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.

(E) Results of the early voting period and absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.

SECTION 2. Section 7-13-1160 of the S.C. Code is amended to read:

Section 7-13-1160. Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein The unofficial election results returned by the managers to the county boards of voter registration and elections must be reported continuously and without undue delay in the manner prescribed by the State Election Commission.

SECTION 3. Section 7-3-20(D)(19) of the S.C. Code is amended to read:

(19) establish methods of auditing election results, which may include risk-limiting audits, hand-count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. A hand‑count audit must be conducted publicly. Once completed, audit reports must be published on the commission's website.

SECTION 4. This act takes effect upon approval by the Governor.

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