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CHAPTER 15

Absentee Registration and Voting

ARTICLE 1

General Provisions

**SECTION 7‑15‑10.** Duties of State Election Commission.

The State Election Commission is responsible for carrying out the provisions of this chapter. The commission may promulgate regulations, and must have drafted, printed, and distributed all forms that are required to make it possible for persons eligible to vote by absentee ballot in primary, general, and special elections. Regulations promulgated pursuant to this section must be promulgated in accordance with the Administrative Procedures Act.

HISTORY: 1962 Code Section 23‑450.3; 1975 (59) 263; 1962 Code Section 23‑449.13; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 434, Section 15, eff June 4, 1996; 2015 Act No. 79 (H.3154), Section 2, eff June 11, 2015.

Editor’s Note

Although 1962 Code Section 23‑450.3 [appearing as 1976 Code Section 7‑15‑10] was repealed by Section 2 of 1976 Act No. 479, identical provisions were re‑enacted by Section 2 of the 1976 Act as 1962 Code Section 23‑449.13, and the original 1976 Code section numbers have been retained.

Effect of Amendment

The 1982 amendment added the words “promulgate regulations” and “drafted” in the first paragraph, and rewrote item (2).

The 1996 amendment deleted item (1) and eliminated the item (2) designation; replaced “shall” with “may” at the beginning of the second sentence and with “must” in the second and third sentences; in the first sentence substituted “is” for “shall be”; and in the second sentence substituted “The commission” for “It”, deleted “effectuate these purposes:” following “are required to”, deleted “To” from what had been the beginning of item (2) preceding “make it possible”, substituted “listed” for “mentioned”, and substituted “primary, general, and special elections” for “general and special elections only”.

2015 Act No. 79, Section 2, deleted “Article 3 and Article 5 of” before “this chapter”; and substituted “eligible” for “listed in Section 7‑15‑320”.

**SECTION 7‑15‑20.** Construction.

Article 3, Article 5, and Article 9 of this chapter shall be liberally construed in order to effectuate their purposes.

HISTORY: 1962 Code Section 23‑450.4; 1975 (59) 263; 1962 Code Section 23‑449.14; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982; 2015 Act No. 79 (H.3154), Section 3, eff June 11, 2015.

Editor’s Note

Although 1962 Code Section 23‑450.4 [appearing as 1976 Code Section 7‑15‑20] was repealed by Section 2 of 1976 Act No. 479, identical provisions were re‑enacted by Section 2 of the 1976 Act as 1962 Code Section 23‑449.14, and the original 1976 Code section numbers have been retained.

Effect of Amendment

The 1982 amendment made a number of changes to Chapter 15 of Title 7 with reference to absentee registration and voting, but this section was not affected.

2015 Act No. 79, Section 3, inserted “Article 9”.

ARTICLE 3

Absentee Registration

**SECTION 7‑15‑110.** Persons qualified to register to vote by absentee ballot.

The following persons are qualified to register to vote using the Standard Form 76, or any subsequent form replacing it, provided by the federal government:

(1) members of the Armed Forces of the United States;

(2) members of the Merchant Marine of the United States;

(3) a person serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of his residence in South Carolina;

(4) members or employees of any department of the United States Government serving overseas;

(5) a citizen of the United States residing outside the United States:

(a) if he last resided in South Carolina immediately before his departure from the United States;

(b) if he could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements which are consistent with the Uniformed And Overseas Absentee Voting Act (Public Law 99‑410).

HISTORY: 1962 Code Section 23‑445; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Sections 1, 2, eff January 27, 1984; 1988 Act No. 422, Section 5, eff March 28, 1988; 1996 Act No. 434, Section 16, eff June 4, 1996.

Effect of Amendment

The 1982 amendment made a number of changes to Chapter 15 of Title 7 with reference to absentee registration and voting, but this section was not affected.

The 1984 amendment, in item (6), added the reference to item (9), and added item (9).

The 1988 amendment in item (9)(b) replaced the reference to the Federal Overseas Citizens Voting Rights Act of 1975 (Public Law 94‑203) with Uniformed And Overseas Absentee Voting Act (Public Law 99‑410).

The 1996 amendment in the first paragraph substituted “are qualified to register to vote using the Standard Form 76, or any subsequent form replacing it, provided by the federal government” for “shall be qualified to register to vote by the absentee method”; in item (3) substituted “United Service Organizations (USO)” for “United States Service Organizations”; deleted items (5) through (8), and redesignated item (9) as item (5); and made nonsubstantive changes.

**SECTION 7‑15‑120.** Registration forms.

Persons listed in Section 7‑15‑110, their spouses, and dependents residing with them, may register by using either federal Standard Form 76, or any subsequent form replacing it issued by the federal government. In order to be registered, either form must reach the county board of voter registration and elections not later than thirty days before the election.

HISTORY: 1962 Code Section 23‑446; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 3, eff January 27, 1984; 1986 Act No. 407, Sections 2, 3, eff May 12, 1986; 1994 Act No. 365, Section 2, eff May 3, 1994; 1996 Act No. 434, Section 17, eff June 4, 1996.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1982 amendment substituted “felony conviction or offense against the election laws” for “criminal offense or confined in any penal institution under the judgment of a court” in paragraph (4) concerning disqualifications from voting. The amendment also substituted a new 3rd paragraph under INSTRUCTIONS concerning disqualifications from voting.

The 1984 amendment added provisions relating to registration using standard federal form or state absentee registration form.

The 1986 amendment added item (j) to paragraph (5) of the absentee registration card and revised the instructions on the back of such card so as to allow persons in category (5)(g) to register permanently.

The 1994 amendment. in paragraph (5) of the form, inserted item (k).

The 1996 amendment in the first sentence deleted “items (1), (2), (3), or (4) of” following “Persons listed in”, deleted “and item (9) of such section” preceding “may register by using”, and deleted “, or the state absentee registration form” following “issued by the federal government”; deleted the third sentence which read “The State Election Commission shall have printed and shall furnish the board of registration of each county an adequate number of registration forms in the following form, substituting in each case the appropriate calendar year for which the cards are printed:”; deleted the absentee registration form; deleted “On the back of each card shall be printed the following:”; and deleted the instructions which followed.

**SECTION 7‑15‑130.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑130 was entitled “Method of obtaining registration form” and was derived from 1962 Code Section 23‑447; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 4, eff January 27, 1984; 1989 Act No. 193, Section 1, eff June 20, 1989.

**SECTION 7‑15‑140.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑140 was entitled “Completion and return of registration form” and was derived from 1962 Code Section 23‑448; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑150.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑150 was entitled “Entry into registration book” and was derived from 1962 Code Section 23‑449; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑160.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑160 was entitled “Validity and effect of registration” and was derived from 1962 Code Section 23‑450; 1975 (59) 263; 1982 Code Section 23‑449.1; 1976 Act No. 479, Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑170.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑170 was entitled “Preservation and destruction of record books and registration forms” and was derived from 1962 Code Section 23‑449.2; 1976 Act No. 479, Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑175.** Article shall not be construed as allowing registration after books have been closed.

Except as provided in Section 7‑5‑150, nothing in this article shall be construed as allowing registration under the provisions of this article after the registration books have been closed as required by Section 7‑5‑150 and 7‑5‑220.

HISTORY: 1962 Code Section 23‑450.1; 1975 (59) 263; 1962 Code Section 23‑449.3; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 222, Section 2, eff February 12, 1996.

Effect of Amendment

The 1982 amendment made a number of changes to Chapter 15 of Title 7 with reference to absentee registration and voting, but this section was not affected.

The 1996 amendment revised this section to refer to Section 7‑5‑150, respecting the closing of registration books.

**SECTION 7‑15‑180.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑180 was entitled “Verification of registration upon request for absentee ballot” 1962 Code Section 23‑450.2; 1975 (59) 263; 1962 Code Section 23‑449.4; 1976 Act No. 479, Section 2.

**SECTION 7‑15‑190.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑190 was entitled “County commissioners of elections and county political party committees to be furnished names of registered persons requesting absentee ballots” and was derived from 1962 Code Section 23‑449.5; 1976 Act No. 479, Section 2.

**SECTION 7‑15‑200.** Furnishing of election materials to persons requesting absentee ballots.

Upon receipt of the list of names the county committee, the board of voter registration and elections 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 board of voter registration and elections;

(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.

HISTORY: 1962 Code Section 23‑449.6; 1976 Act No. 479 Section 2.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

**SECTION 7‑15‑210.** Specifications for return‑addressed envelopes.

The return‑addressed envelope required by item (4) of Section 7‑15‑200 to be sent to each absentee ballot applicant shall have printed on its face in the upper left hand corner the words “Absentee ballots for \_ County, \_ (county seat), South Carolina.” All blanks on the face of the envelope shall be filled in by the board of voter registration and elections prior to the mailing of the ballot to the absentee ballot applicant. On the back shall appear blanks which the voter shall fill in with his name and address. The envelope shall be of such thickness as to make it impossible to read any of its contents without opening the envelope. When the ballot is for use in a primary election the return‑addressed envelope referred to herein and in Section 7‑15‑200 shall be changed appropriately to insure its return to the proper county committee.

HISTORY: 1962 Code Section 23‑449.7; 1976 Act No. 479 Section 2.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

**SECTION 7‑15‑220.** Signing and witnessing of oath of absentee ballot applicant; exception.

(A) The oath, a copy of which is required by Section 7‑15‑200(2) to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, shall be signed by the absentee ballot applicant and witnessed. The oath shall 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 with which this oath is enclosed 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).

HISTORY: 1962 Code Section 23‑449.8; 1976 Act No. 479 Section 2; 2011 Act No. 43, Section 6, eff upon contingency, see editor’s note, (approved June 7, 2011).

Editor’s Note

2011 Act No. 43, Sections 1 and 10, provide as follows:

“SECTION 1. This act may be cited as the ‘South Carolina Uniformed and Overseas Citizens Absentee Voters Act’.”

“SECTION 10. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.” [Preclearance approval received August 22, 2011.]

Effect of Amendment

The 2011 amendment designated the existing text as subsection (A), and substituted “20\_” for “19\_”; and added subsection (B).

**SECTION 7‑15‑230.** Marking and return of ballot; ballot shall not be counted unless oath signed and ballot returned prior to closing of polls.

Upon receipt of the ballot or ballots the absentee ballot applicant shall mark each ballot on which he wishes to vote, fold it so that its contents cannot be distinguished without unfolding it and mail it in compliance with the instructions received by him with the ballot. Enclosed with the ballot or ballots shall be the oath set forth in Section 7‑15‑220. No ballot shall be counted unless the oath is properly signed and enclosed therewith nor shall any ballot be counted which is received by the board of voter registration and elections or other officials charged with the conduct of the election after time for closing of the polls, and the printed instructions required by item (3) of Section 7‑15‑200 to be sent each absentee ballot applicant shall notify him that his vote will not be counted in either of these events.

HISTORY: 1962 Code Section 23‑449.9; 1976 Act No. 479 Section 2.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

**SECTION 7‑15‑240.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑240 was entitled “Absentee balloting in primary and special elections” and was derived from 1962 Code Section 23‑449.10; 1976 Act No. 479, Section 2.

**SECTION 7‑15‑250.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑250 was entitled “Duties of county committees in conducting primary elections” and was derived from 1962 Code Section 23‑449.11; 1976 Act No. 479, Section 2.

**SECTION 7‑15‑260.** Responsibilities of political parties conducting municipal primary; expenses.

Any political party conducting a municipal primary in this State is responsible for carrying out the provisions of this article by making ballots and election material available so that the persons named in Section 7‑15‑320 may be enabled to vote in these primary elections subject to the rules and regulations of the political party. All expenses incurred by any political party in conducting elections subject to the provisions of this article must be borne by the political party.

HISTORY: 1962 Code Section 23‑449.12; 1976 Act No. 479 Section 2; 1996 Act No. 434, Section 18, eff June 4, 1996.

Effect of Amendment

The 1996 amendment substituted “the” for “such” throughout the section; in the first sentence inserted “municipal” preceding “primary in this State”, and inserted “these” preceding “primary elections subject”; in the second sentence substituted “must” for “shall”; and made a nonsubstantive change.

ARTICLE 5

Absentee Voting

**SECTION 7‑15‑310.** Definitions.

As used in this article:

(1) “Members of the Armed Forces of the United States” means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components.

(2) “Members of the Merchant Marine of the United States” means all officers and men engaged in maritime service on board ships.

(3) “Students” means all persons residing outside of the counties of their respective residences, enrolled in an institution of learning.

(4) “Physically disabled person” means a person who, because of injury or illness, cannot be present in person at his voting place on election day.

(5) “Registration form” means Standard Form 76, or a subsequent form replacing it, authorized by the federal government or the state form described in Section 7‑15‑120.

(6) “Persons in employment” means those persons who by virtue of their employment obligations are unable to vote in person.

(7) “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 a handicap is unable to vote at his polling place due to existing architectural barriers that 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.

(8) “Immediate family” means a person’s spouse, parents, children, brothers, sisters, grandparents, grandchildren, and mothers‑in‑law, fathers‑in‑law, brothers‑in‑law, sisters‑in‑law, sons‑in‑law, and daughters‑in‑law.

(9) “Overseas citizen” means a citizen of the United States residing outside of the United States as specified by Section 7‑15‑110.

HISTORY: 1962 Code Section 23‑441; 1953 (48) 423; 1966 (54) 2376; 1973 (58) 73; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No; 266, Sections 5, 6, eff January 27, 1984; 2000 Act No. 392, Section 10, eff August 1, 2000; 2015 Act No. 79 (H.3154), Section 4, eff June 11, 2015.

Effect of Amendment

The 1982 amendment added item (7) defining “authorized representative” and item (8) defining “immediate family”.

The 1984 amendment, in item (5), provided for standard federal forms, and added item (9).

The 2000 amendment, in paragraph (8), added “grandparents, grandchildren, and mothers‑in‑law, fathers‑in‑law, brothers‑in‑law, sisters‑in‑law, and daughters‑in‑law”.

2015 Act No. 79, Section 4, deleted “The term” after all paragraph designators and capitalized the defined terms; in (7), substituted “because of a handicap is unable to vote” for “because of such handicap unable to vote”, and substituted “barriers that deny him” for “barriers which deny him”; and made other nonsubstantive changes.

**SECTION 7‑15‑320.** Persons qualified to vote by absentee ballot.

(A) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when they are absent from their county of residence on election day during the hours the polls are open, to an extent that it prevents them from voting in person:

(1) students, their spouses, and dependents residing with them;

(2) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(3) governmental employees, their spouses, and dependents residing with them;

(4) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or

(5) overseas citizens.

(B) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not they are absent from their county of residence on election day:

(1) physically disabled persons;

(2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county board of voter registration and elections;

(3) certified poll watchers, poll managers, county board of voter registration and elections members and staff, county and state election commission members and staff working on election day;

(4) persons attending sick or physically disabled persons;

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

(6) persons with a death or funeral in the family within a three‑day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty‑five years of age or older;

(9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.

HISTORY: 1962 Code Section 23‑442; 1953 (48) 423; 1960 (51) 1598; 1966 (54) 2376; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 7, eff January 27, 1984; 1987 Act No. 130 Section 1, eff June 3, 1987; 1989 Act No. 48, Section 1, eff April 6, 1989; 1989 Act No. 193, Section 2, eff June 20, 1989; 1992 Act No. 489, Section 1, eff July 1, 1992; 1994 Act No. 365, Section 3, eff May 3, 1994; 1995 Act No. 80, Section 1, eff June 12, 1995; 1996 Act No. 434, Section 19, eff June 4, 1996; 1997 Act No. 25, Section 1, eff upon approval (became law without the Governor’s signature on May 22, 1997); 2011 Act No. 43, Section 8, eff upon contingency, see editor’s note, (approved June 7, 2011); 2014 Act No. 289 (S.825), Pt V, Section 6, eff June 23, 2014.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Editor’s Note

2011 Act No. 43, Sections 1 and 10, provide as follows:

“SECTION 1. This act may be cited as the ‘South Carolina Uniformed and Overseas Citizens Absentee Voters Act’.”

“SECTION 10. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.” [Preclearance approval received August 22, 2011.]

Effect of Amendment

The 1982 amendment added the phrase “during the hours the polls are open” in the first sentence of the introductory paragraph, and also added the phrase “poll managers, county voter registration board members and staff, and county election commission members and staff working on election day” after physically disabled persons in the same sentence. In item (4), “Persons in” was added. Former item (8) concerning professions of ministry, teaching, and medical was deleted, former item (9) was renumbered (8), and a new item (9) was added.

The 1984 amendment added item (10).

The 1987 amendment added item (11) to extend the right to vote by absentee ballot to persons attending sick or physically disabled persons.

The first 1989 amendment by Act No. 48, Section 1 added item (13).

The second 1989 amendment by Act No. 193, Section 2, added the references to a person admitted to a hospital as an emergency patient on the day of an election or within four‑day period before the election in the opening paragraph and as item (12).

The 1992 amendment added item (14).

The 1994 amendment added item (15).

The 1995 amendment substituted “sixty‑five” for “seventy‑two” in paragraph 14.

The 1996 amendment inserted “certified poll watchers,” preceding “poll managers, county voter registration” both in the first paragraph and in item (9); and inserted “(USO)” in item (3).

The 1997 amendment, in the introductory paragraph, deleted “, signed by their employer,” following “present written certification of that obligation”.

The 2011 amendment rewrote the section.

2014 Act No. 289, Section 6, deleted former subsection (A)(2), redesignated former subsections (A)(3) through (A)(6) accordingly, added the text from former subsection (A)(2) as subsection (B)(10), and made other nonsubstantive changes.

**SECTION 7‑15‑330.** Time of application for absentee ballot; application in person.

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 board of voter registration and elections, or at an extension office of the board of voter registration and elections 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 voter registration and elections 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 board of voter registration and elections 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 voter registration and elections 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 may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of voter registration and elections. The board of voter registration and elections 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 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.

HISTORY: 1962 Code Section 23‑443; 1953 (48) 423; 1960 (51) 1598; 1971 (57) 85; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 8, eff January 27, 1984; 1988 Act No. 422, Section 6, eff March 28, 1988; 1989 Act No. 193, Section 3, eff June 20, 1989.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1982 amendment substantially rewrote this section.

The 1984 amendment changed the time before an election within which an absentee ballot may be requested from forty‑five days to sixty days.

The 1988 amendment changed the time during which a request for an application for an absentee ballot can be made from 60 days prior to the election to any time during the calendar year in which the election in which qualified electors desire to vote by absentee ballot is being held, and made grammatical changes.

The 1989 amendment provided that an application may be obtained from an extension office of the registration board, and added the references to emergency hospital patients.

**SECTION 7‑15‑340.** Form of application for absentee ballot.

The application required in Section 7‑15‑330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except that persons listed in Section 7‑15‑320(2), (3), (6), and (10) may use Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

The application must contain the following information: name, registration certificate number, address, absentee address, election of ballot request, election date, runoff preference, party preference, reason for request, oath of voter, and voter’s signature.

The oath must be as follows: “I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects, and I hereby apply for an absentee ballot for the reason indicated above.” Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7‑25‑20.

HISTORY: 1962 Code Section 23‑444; 1953 (48) 423; 1971 (57) 85; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 9, eff January 27, 1984; 1984 Act No. 402, Section 2, eff May 24, 1984; 1989 Act No. 48, Section 1, eff April 6, 1989; 1990 Act No. 356, Section 1, eff March 19, 1990; 1992 Act No. 489, Section 2, eff July 1, 1992; 1994 Act No. 365, Section 4, eff May 3, 1994; 1995 Act No. 80, Section 2, eff June 12, 1995; 1996 Act No; 434, Section 20, eff June 4, 1996; 2004 Act No. 236, Section 1, eff May 24, 2004.

Effect of Amendment

The 1982 amendment deleted the provisions for voting by persons in the profession of ministry, teaching, medical in former box 8, renumbered former box 9 to 8, and added box 9 concerning poll managers and county voter registration board staff workers. The amendment also made changes to the application form following box 9.

The first 1984 amendment provided for the use of standard federal forms by certain persons.

The second 1984 amendment added the provisions dealing with runoff elections and overseas citizens, substituted “Board of Voter Registration” for “Commissioners of Election”, and made certain grammatical changes.

The 1989 amendment added box 11.

The 1990 amendment added boxes 11. and 12., and renumbered box 11. as 13.

The 1992 amendment added box 14.

The 1994 amendment added box 15.

The 1995 amendment substituted “sixty‑five” for “seventy‑two” in box 14.

The 1996 amendment in the first paragraph substituted “these” for “such” preceding “election officials”, and substituted “a form prescribed and distributed by the State Election Commission” for “the following form”; deleted the absentee ballot application form; and added the current second and third paragraphs.

The 2004 amendment, in the second undesignated paragraph, deleted “social security number” following “absentee address”.

**SECTION 7‑15‑350.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

Editor’s Note

Former Section 7‑15‑350 was entitled “Verification of registration” and was derived from 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑360.** Furnishing ballots and envelopes.

The board of registration of each county must be furnished by the commissioners of election of the county or the county committee for each political party holding a primary, a sufficient number of ballots and envelopes not to exceed fifteen percent of the number of registered voters in that county to enable the board of registration to deliver these materials to qualified electors who desire to vote by absentee ballot. If an absentee ballot is not available at the time the voter requests it, the board of registration must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote a straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 434, Section 21, eff June 4, 1996.

Effect of Amendment

The 1996 amendment in the first sentence substituted “must” for “shall”, and substituted “these materials to qualified electors who desire” for “such materials to qualified electors desiring”; added the second sentence; and made a nonsubstantive change.

**SECTION 7‑15‑365.** Ballots and instructions furnished by county board of voter registration and elections.

The board of voter registration and elections of each county must be furnished by the municipal election commission of each municipality holding an election or the executive committee of a municipal party holding a primary, a sufficient number of ballots, envelopes, and instructions to the absentee voter not to exceed fifteen percent of the number of registered voters in the municipality and sufficient postage to enable the board of voter registration and elections to deliver materials to qualified electors desiring to vote by absentee ballot. The envelope required by item (4) of Section 7‑15‑370 must bear the return address of the county board of voter registration and elections. If an absentee ballot is not available at the time the voter requests it, the board of voter registration and elections must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote a straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1984 Act No. 266, Section 10, eff January 27, 1984; 1996 Act No. 434, Section 22, eff June 4, 1996.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1996 amendment added the final sentence.

**SECTION 7‑15‑370.** Furnishing ballots and envelopes; duties of county board of voter registration and elections.

Upon receipt of the ballots and envelopes, the county board of voter registration and elections must, as soon as possible, furnish the following items to each person qualified to receive an absentee ballot and who has validly completed a written application for an absentee ballot:

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

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

(3) an envelope marked ‘Ballot Herein’ in which all completed ballots are to be placed;

(4) a return‑addressed envelope imprinted on the back with the oath set forth in Section 7‑15‑385 to be used for the return of the unmarked envelope (and enclosed ballots) to the board of voter registration and elections;

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

The board of voter registration and elections must record in the record book required by Section 7‑15‑330 to be kept by the board the date these materials are requested by written application and the date they are issued to the qualified elector. Election materials which are mailed must be sent to the voter’s absentee mailing address.

If absentee ballots are not available at the time the voter requests one, the board of voter registration and elections must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1990 Act No. 357, Section 5, eff March 19, 1990; 1996 Act No. 434, Section 23, eff June 4, 1996.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1990 amendment deleted “unmarked”, and added “marked ‘Ballot Herein’” after “envelope”, in item (3).

The 1996 amendment substituted “must” for “shall” throughout this section; replaced “such” with “the” in two places in item (5) and with “these” in the second undesignated paragraph; added the final undesignated paragraph; and made other nonsubstantive changes.

**SECTION 7‑15‑375.** Return envelope for absentee ballot.

The return‑addressed envelope required by item (4) of Section 7‑15‑370 to be sent to each absentee ballot applicant shall have printed on its face in the upper left hand corner the words ‘Absentee ballots for \_ County, \_ (county seat), South Carolina.’ All blanks on the face of the envelope shall be filled in by the county board of voter registration and elections prior to the issuance of the ballot to the absentee ballot applicant. On the back shall appear blanks which the voter shall fill in with his name and address.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

**SECTION 7‑15‑380.** Oath of absentee ballot applicant; exception.

(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 appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must 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).

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 416, Section 1, eff June 4, 1996; 2011 Act No. 43, Section 7, eff upon contingency, see editor’s note, (approved June 7, 2011).

Editor’s Note

2011 Act No. 43, Sections 1 and 10, provide as follows:

“SECTION 1. This act may be cited as the ‘South Carolina Uniformed and Overseas Citizens Absentee Voters Act’.”

“SECTION 10. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.” [Preclearance approval received August 22, 2011.]

Effect of Amendment

The 1996 amendment substituted “must” for “shall” throughout the section; and inserted the third sentence in the first undesignated subsection.

The 2011 amendment designated the existing text as subsection (A), and substituted “20\_” for “19\_”; and added subsection (B).

**SECTION 7‑15‑385.** Marking ballot; return; records; storage.

Upon receipt of the ballot or ballots, the absentee ballot applicant must 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 voter registration and elections 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 voter registration and elections at the time the envelope is returned. The voter must sign the form, or in the event the voter cannot write because of a physical handicap 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 voter registration and elections 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 voter registration and elections 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 board of voter registration and elections.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1987 Act No. 59 Section 1, eff April 28, 1987; 1996 Act No. 416, Section 2, eff June 4, 1996.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1987 amendment rewrote this section.

The 1996 amendment substituted “must” for “shall” throughout the section; substituted “the” for “such” following “then return”, substituted “in” for “ever” following “must be turned”, deleted “form must be signed by the” and “or by someone designated by the voted” in the fourth sentence and inserted “must sign the form, or”, substituted “because of” for “due to” preceding “a physical handicap”, and inserted “the voter must make his mark and have the mark witnessed by someone designated by the voter”.

**SECTION 7‑15‑390.** Absentee balloting in primary and special elections; municipal elections.

Absentee balloting in the primary, special, and municipal elections must be in accordance with the provisions of Title 7.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 11, eff January 27, 1984.

Effect of Amendment

The 1984 amendment deleted exceptions for municipal elections and certain duties of election officials.

**SECTION 7‑15‑395.** Responsibilities of political parties; expenses.

Any political party conducting a primary in this State is responsible for carrying out the provisions of this article by making ballots and election material available so that the persons named in Section 7‑15‑320 may be enabled to vote in primary elections. All expenses incurred by any political party in conducting elections subject to the provisions of this article shall be borne by such political party.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTIONS 7‑15‑400 to 7‑15‑406.** Repealed.

HISTORY: Former 7‑15‑400, titled Applications for, and issuance of, special write‑in absentee ballots; alternate submission of federal write‑in absentee ballot, had the following history: 1986 Act No. 407, Section 4, eff May 12, 1986; 2011 Act No. 43, Section 2. Repealed by 2015 Act No. 79, Section 6, eff June 11, 2015. See, now Section 7‑15‑600 et seq.

HISTORY: Former 7‑15‑405, titled Voters eligible to vote under Uniformed and Overseas Citizens Absentee Voting Act; absentee instant runoff ballots for second primaries, had the following history: 2006 Act No. 253, Section 2, eff March 24, 2006; 2011 Act No. 43, Section 3. Repealed by 2015 Act No. 79, Section 6, eff June 11, 2015. See, now Section 7‑15‑600 et seq.

HISTORY: Former 7‑15‑406, titled Ballots to be sent to qualified electors under Uniformed and Overseas Citizens Absentee Voting Act; timing, had the following history: 2011 Act No. 43, Section 4. Repealed by 2015 Act No. 79, Section 6, eff June 11, 2015. See, now Section 7‑15‑600 et seq.

ARTICLE 7

Absentee Voting Precincts

**SECTION 7‑15‑410.** Absentee voting precinct shall be established in each county; location.

In each county there must be established an absentee voting precinct located in the office of the county board of voter registration and elections. The county board of voter registration and elections, municipal election commission, county committee for each political party, or executive committee of each municipal party in the case of primary elections is responsible for the tabulation and reporting of ballots at the absentee voting precinct. The absentee ballots must remain in the custody of the county board of voter registration and elections until transferred to the county board of voter registration and elections, municipal election commission, county committee for each political party or executive committee of each municipal party for the purpose of tabulation and reporting as provided in Section 7‑15‑420.

HISTORY: 1962 Code Section 23‑450.1; 1971 (57) 97; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 12, eff January 27, 1984.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1982 amendment substantially rewrote this section.

The 1984 amendment redesignated persons responsible for tabulation of absentee ballots.

**SECTION 7‑15‑420.** Receipt, tabulation and reporting of absentee ballots.

The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7‑5‑10, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return‑ addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked “Ballot Herein” removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked “Ballot Herein”, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any 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. Results of the tabulation must not be publicly reported until after the polls are closed.

HISTORY: 1962 Code Section 23‑450.2; 1971 (57) 97; 1980 Act No. 376, Section 1, eff April 23, 1980; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 13, eff January 27, 1984; 1990 Act No. 357, Section 6, eff March 19, 1990; 1992 Act No. 253, Section 9, eff February 19, 1992; 1996 Act No. 227, Section 1, eff February 12, 1996; 2006 Act No. 284, Section 3, eff May 19, 2006.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

At the direction of the Code Commissioner, the reference to Section 7‑13‑70 was changed to Section 7‑5‑10, to correct the reference in light of 2014 Act No. 196, which repealed Section 7‑13‑70 and amended Section 7‑5‑10.

Editor’s Note

2006 Act No. 284, Section 5, provides as follows:

“This act takes effect upon approval by the Governor and must not be put into practice until it receives preclearance by the United States Department of Justice.” [preclearance received September 5, 2006]

Effect of Amendment

The 1980 amendment eliminated the requirement that the final tabulation of absentee ballots be included in the totals of the resident precinct of the absentee voter.

The 1982 amendment substantially rewrote this section.

The 1984 amendment redesignated persons responsible for tabulation of absentee ballots.

The 1990 amendment changed the time for processing the ballots from the closing of the polls to 2:00 P.M. on election day, authorized watchers to be present when absentee ballot envelopes are examined, and required all return‑addressed envelopes to be received before the closing of the polls.

The 1992 amendment, in the first sentence, deleted the phrase “county committee for each political party,” and added “municipal” before “primary elections”.

The 1996 amendment revised this section.

The 2006 amendment, in the second sentence, substituted “9:00 a.m.” for “2:00 p.m.”; substituted the eighth sentence for the eighth and ninth sentences which read “When the polls have closed and all absentee ballots have been placed in the ballot boxes, they must be tabulated and reported as a separate precinct in the same manner as other ballots of the county and are counted on election day. The absentee voter precinct is a countywide precinct and a part of each election district in the county.”; and added the final (tenth) sentence relating to public reporting of the tabulation.

**SECTION 7‑15‑430.** Absentee voters shall be noted on registration lists; voting by persons who have been issued absentee ballots.

Prior to the distribution of voter registration lists to the various precincts, the county board of voter registration and elections shall note opposite the name of each registered voter who has voted by absentee ballot the fact of such voting or that an absentee ballot has been issued to a voter, as the case may be.

No voter whose name is so marked on the registration list as having voted shall be permitted to vote in person in his resident precinct and no voter who has been issued an absentee ballot may vote whether such ballot has been cast or not, unless he shall furnish to the officials of his resident precinct a certificate from the county board of voter registration and elections that his absentee ballot has been returned to the board unmarked.

Should any voter be issued an absentee ballot after the board has released the registration books to be used in the election to the county board of voter registration and elections, municipal election commission, county committee, executive committee of any municipal party, or poll managers, the board of voter registration and elections shall immediately notify in writing the county board of voter registration and elections, municipal election commission, county committee, executive committee of any municipal party, or poll manager, as the case may be, of the name, address, and certificate number of each voter who has since been issued an absentee ballot and the registration books must be appropriately marked that the voter has been issued an absentee ballot.

HISTORY: 1962 Code Section 23‑450.3; 1971 (57) 97; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 14, eff January 27, 1984.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1982 amendment substituted “county board of registration” for “election commissioners” in the first paragraph, substituted “county board of registration” for “county election commission” in the second paragraph, and added the third paragraph.

The 1984 amendment redesignated persons to whom registration books may be released.

**SECTION 7‑15‑440.** List of persons issued and who cast absentee ballots.

The county board of voter registration and elections shall, after each election, prepare a list of all persons to whom absentee ballots were issued and all persons who cast absentee ballots. The list so compiled shall be made available for public inspection upon request.

HISTORY: 1962 Code Section 23‑450.4; 1971 (57) 97.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

**SECTION 7‑15‑450.** Application of article.

This article applies to political parties holding a primary and any other authorities conducting an election.

HISTORY: 1962 Code Section 23‑450.5; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1992 Act No. 253, Section 10, eff February 19, 1992.

Effect of Amendment

The 1982 amendment made a number of changes to Chapter 15 of Title 7 with reference to absentee registration and voting, but this section was not affected.

The 1992 amendment replaced “shall apply” with “applies”; and “conducting” with “holding”.

**SECTION 7‑15‑455.** Repealed by 1998 Act No. 409, Section 3, eff December 31, 2000.

Editor’s Note

Former Section 7‑15‑455 was entitled “Electronic voting by armed forces personnel and overseas citizens; pilot project” and was derived from 1998 Act No. 409, Section 1, eff June 8, 1998.

**SECTION 7‑15‑460.** Repealed.

HISTORY: Former Section, titled Absentee ballots as provided by Uniformed and Overseas Citizens Absentee Voting Act, had the following history: 1992 Act No. 275, Section 1, eff March 10, 1992; 2006 Act No. 253, Section 3, eff March 24, 2006; 2011 Act No. 43, Section 5. Repealed by 2015 Act No. 79, Section 6, eff June 11, 2015.

**SECTION 7‑15‑470.** Absentee ballots other than paper ballots.

Notwithstanding the provisions of this chapter, a county board of voter registration and elections may use other methods of voting by absentee ballot instead of by paper ballot. No voting machine or voting system, other than a paper‑based system, may be used for in‑person absentee voting that has not received written certification from the State Election Commission that the voting machine or voting system meets all statutory requirements for use in the State and certification that the machine can be secured against voting at times other than business hours of the county board of voter registration and elections, that the results of elections can be held secure from release until the time for counting ballots at any polling place, and votes cast using the machine can be challenged and held secure until the hearing on challenged ballots required by Section 7‑13‑830 is held. The State Election Commission must develop standards and guidelines for these purposes.

HISTORY: 2001 Act No. 83, Section 1, eff August 10, 2001.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

ARTICLE 9

South Carolina Uniform Military and Overseas Voters Act

**SECTION 7‑15‑600.** Short title.

This article may be cited as the “South Carolina Uniform Military and Overseas Voters Act”.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑610.** Definitions.

As used in this article:

(1) “Members of the Armed Forces of the United States” means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components.

(2) “Members of the Merchant Marine of the United States” means all officers and men engaged in maritime service on board ships.

(3) “Registration form” means Standard Form 76, or a subsequent form replacing it, authorized by the federal government or the state form described in Section 7‑15‑120.

(4) “Overseas citizen” means a citizen of the United States residing outside of the United States who is a:

(a) member of the Armed Forces of the United States;

(b) member of the Merchant Marine of the United States;

(c) person serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of his residence in South Carolina;

(d) members or employees of any department of the United States Government serving overseas;

(e) citizen of the United States residing outside the United States:

(i) if he last resided in South Carolina immediately before his departure from the United States;

(ii) if he could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements which are consistent with the Uniformed and Overseas Absentee Voting Act (Public Law 99‑410).

(5) “Covered voter” means:

(a) a uniformed‑service voter or an overseas voter who is registered to vote in this State;

(b) a uniformed‑service voter whose voting residence is in this State and who otherwise satisfies this state’s voter eligibility requirements;

(c) an overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a state residency requirement, otherwise satisfies this state’s voter eligibility requirements;

(d) an overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state’s voter eligibility requirements; or

(e) an overseas voter who was born outside the United States, is not described in subitem (c) or (d), and, except for a state residency requirement, otherwise satisfies this state’s voter eligibility requirements, if:

(i) the last place where a parent or legal guardian of the voter was, or under this article would have been, eligible to vote before leaving the United States is within this State; and

(ii) the voter has not previously registered to vote in any other state.

(6) “Dependent” means an individual recognized as a dependent by a uniformed service.

(7) “Federal postcard application” means the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2), or its successor.

(8) “Federal write‑in absentee ballot” means the ballot described in Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff‑2, or its successor.

(9) “Military‑overseas ballot” means:

(a) a federal write‑in absentee ballot;

(b) a ballot specifically prepared or distributed for use by a covered voter in accordance with this article; or

(c) a ballot cast by a covered voter in accordance with this article.

(10) “Overseas voter” means a United States citizen who resides outside the United States.

(11) “Uniformed service” means:

(a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

(b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) the National Guard or organized militia.

(12) “Uniformed‑service voter” means an individual who is qualified to vote and is:

(a) a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) a member on activated status of the National Guard or organized militia; or

(d) a spouse or dependent of a member referred to in this item.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑620.** Eligible voters may utilize absentee ballot process.

Notwithstanding other provisions of law, a voter who meets the requirements of this article may utilize the absentee ballot process established by this article, or as otherwise permitted by state or federal law.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑630.** Application for special write‑in absentee ballot; qualifications; issuance.

(A) A qualified elector of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the county board of voter registration and elections shall issue the special write‑in absentee ballot which must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for any federal, state, or local office or state or local ballot measure.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑640.** Application to register to vote.

(A) A covered voter may use a federal postcard application, the federal postcard application’s electronic equivalent, or another method approved by the federal government or the State Election Commission to apply to register to vote.

(B) A covered voter may use the declaration accompanying a federal write‑in absentee ballot to apply to register to vote simultaneously with the submission of the federal write‑in absentee ballot, if the declaration is received before the closure of the registration books for that election pursuant to Section 7‑5‑120, 7‑5‑150 or 7‑5‑155, as appropriate. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections.

(C) The Executive Director of the State Election Commission shall ensure that the election commission’s electronic transmission system is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑650.** Absentee instant runoff ballots; instructions; regulations.

(A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, an absentee ballot with an absentee instant runoff ballot for each potential second primary must be sent to the elector at least forty‑five days prior to the primary election.

(B) The absentee instant runoff ballots for second primaries must be prepared by the authority charged with conducting the election.

(C) The absentee instant runoff ballot for a second primary shall permit the elector to vote his order of preference for each candidate for each office by indicating a rank next to the candidate’s name on the ballot. However, the elector shall not be required to indicate his preference for more than one candidate on the ballot if he so chooses.

(D) The special absentee ballot shall be designated as an “absentee instant runoff ballot” and be clearly distinguishable from the regular absentee ballot.

(E) Instructions explaining the absentee instant runoff voting process must be provided with the ballot to the qualified elector.

(F) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑660.** Voting precinct assignment.

An overseas voter who is registering to vote, and who is eligible to vote in this State shall use, and must be assigned to, the voting precinct of the address of the voter’s last place of residence in this State, or in the case of a voter described by Section 7‑15‑610(5)(e), the address of the voter’s parent’s or legal guardian’s place of last residence in this State. If that address is no longer a recognized residential address, the overseas voter must be assigned an address within the voting precinct of the last place of residence for voting purposes.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑670.** Declaration by covered voter.

(A) A covered voter may use the declaration accompanying a federal write‑in absentee ballot as an application for a military‑overseas ballot simultaneously with the submission of the federal write‑in absentee ballot, if the declaration is received by the appropriate election official by seven o’clock p.m. on election day.

(B) To receive the benefits of this article, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

(1) the use of a federal postcard application or federal write‑in absentee ballot;

(2) the use of an overseas address on an approved voter registration application or ballot application; and

(3) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑680.** Sending absentee ballot to covered voter.

An absentee ballot must be sent to a covered voter, upon the voter’s request, at least forty‑five days prior to any election. However, if a ballot application from a covered voter arrives within the forty‑five day period, an absentee ballot must be sent to the covered voter no later than five o’clock p.m. on the next business day after the application arrives.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑690.** Duty of State Election Commission; regulations.

(A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots for all elections for federal, state, and local offices to voters in accordance with his preferred method of transmission.

(B) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑700.** Delivery of valid military‑overseas ballot; declaration of voter.

(A) A valid military‑overseas ballot must be counted if it is delivered to the address that the State Election Commission or county board of voter registration and elections, as appropriate, has specified by the close of business on the business day before the county canvass.

(B) If, at the time of completing a military‑overseas ballot and balloting materials, the voter has declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark as long as the ballot was received in accordance with subsection (A).

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑710.** Ballot to include signed declaration by voter.

A military‑overseas ballot must include, or be accompanied by, a declaration signed by the voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or this State.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑720.** Electronic free‑access system.

The Executive Director of the State Election Commission, in coordination with the county boards of voter registration and elections shall implement an electronic free‑access system by which a covered voter may determine whether:

(1) the voter’s federal postcard application or other registration or military‑overseas ballot application has been received and accepted; or

(2) the voter’s military‑overseas ballot has been received and the current status of the ballot.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑730.** Request for electronic‑mail address; standing request for electronic delivery of ballot.

(A) The county board of voter registration and elections or the State Election Commission, as appropriate, shall request an electronic‑mail address from each covered voter who registers to vote after the effective date of this article. An electronic‑mail address provided by a covered voter may not be made available to the public or any individual or organization other than an employee or official with the county board of voter registration and elections or the State Election Commission, and is exempt from disclosure under the Freedom of Information Act of this State. The electronic‑mail address may be used only for official communication with the covered voter about the voting process, including transmitting military‑overseas ballots and election materials if the voter has requested electronic transmission, and verifying the covered voter’s mailing address and physical location. The request for an electronic‑mail address must describe the purposes for which the electronic‑mail address may be used and include a statement that any other use or disclosure of the electronic‑mail address is prohibited.

(B) A covered voter who provides an electronic‑mail address may request that the voter’s application for a military‑overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December thirty‑first of the year following the calendar year of the date of the application or another shorter period the voter specifies, including for any runoff elections that occur as a result of those elections. An election official or employee shall provide a military‑overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a military‑overseas ballot for a primary election under this subsection is entitled to receive a military‑overseas ballot for the general election.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑740.** Preparation of election notices.

(A) At least one hundred days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, the Executive Director of the State Election Commission shall prepare appropriate election notices to be used in conjunction with a federal write‑in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal write‑in absentee ballot the voter’s choice for each office to be filled and for each ballot measure to be contested.

(B) A covered voter may request a copy of an election notice. The executive director shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

(C) As soon as ballot styles are certified, and not later than the date ballots are required to be transmitted to voters pursuant to Article 5, Chapter 15, the executive director shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

(D) A county board of voter registration and elections that maintains an online website shall make the election notice available by linking to the State Election Commission website.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑750.** Effect of mistakes or omissions in document completion; notarization.

(A) If a covered voter’s mistake or omission in the completion of a document pursuant to this article does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted pursuant to this article. In a write‑in ballot authorized by this article or in a vote for a write‑in candidate on a regular ballot, if the intention of the voter is discernable pursuant to the laws of this State, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

(B) Notarization is not required for the execution of a document pursuant to this article. An authentication, other than the declaration specified in Section 7‑15‑710, or the declaration on the federal postcard application and federal write‑in absentee ballot, is not required for execution of a document pursuant to this article. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.

**SECTION 7‑15‑760.** Equitable relief.

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this article on application by:

(1) a covered voter alleging a grievance under this article; or

(2) an election official in this State.

HISTORY: 2015 Act No. 79 (H.3154), Section 5, eff June 11, 2015.