

## Session 124 - (2021-2022)

### **S\*0108 (Rat #0165, Act #0150 of 2022) General Bill, By Campsen, Senn and Scott**

#### **Summary:** Election Laws

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING IN THE STATE; TO AMEND SECTION 7-11-10, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT CANDIDATES FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE OFFICE FOR THE SAME ELECTION, AND TO PROHIBIT CANDIDATES FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; TO AMEND SECTION 7-13-320, RELATING TO BALLOT STANDARDS AND SPECIFICATIONS, SO AS TO PROHIBIT CANDIDATES' NAMES FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTION 7-15-220, RELATING TO THE WITNESS REQUIREMENT FOR THE OATH OF AN ABSENTEE BALLOT APPLICANT, SO AS TO ADD THAT THE WITNESS MUST BE AT LEAST EIGHTEEN YEARS OF AGE AND ALSO REQUIRE THE PRINTED NAME OF THE WITNESS IN ADDITION TO THE REQUIRED SIGNATURE AND ADDRESS ON THE OATH; TO AMEND SECTION 7-15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO AMEND THE LIST OF REASONS FOR WHICH ABSENTEE VOTING IS ALLOWED FOR PERSONS WHO ARE GOING TO BE ABSENT FROM THE COUNTY FOR THE DURATION OF THE EARLY VOTING PERIOD AND ELECTION DAY; TO AMEND SECTION 7-15-330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR ABSENTEE BALLOTS AND APPLICATION IN PERSON, SO AS TO DEFINE THE PARAMETERS BY WHICH A PERSON MAY REQUEST AN APPLICATION TO VOTE BY ABSENTEE BALLOT FOR HIMSELF OR OTHERS, TO PROVIDE FOR VERIFICATION OF THE INFORMATION REGARDING THE ELECTOR, TO PROVIDE THAT NO MORE THAN FIVE APPLICATIONS MAY BE REQUESTED IN ADDITION TO THE REQUESTOR HIMSELF, AND TO PROVIDE THE TIMEFRAME THAT THE APPLICATIONS MUST BE RETURNED BY; TO AMEND SECTION 7-15-380, RELATING TO THE OATH OF AN ABSENTEE BALLOT APPLICANT, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 7-15-385, RELATING TO THE MARKING AND RETURN OF ABSENTEE BALLOTS, SO AS TO REQUIRE AN AUTHORIZED RETURNEE TO PRODUCE A CURRENT AND VALID FORM OF GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND TO PROVIDE IT IS UNLAWFUL FOR A PERSON TO RETURN MORE THAN FIVE ENVELOPES IN AN ELECTION IN ADDITION TO HIS OWN AND PROVIDE A PENALTY; TO AMEND SECTION 7-15-420, AS AMENDED, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO ALLOW THE EXAMINATION OF RETURN-ADDRESSED ENVELOPES TO BEGIN AT 7:00 A.M. ON THE SECOND DAY PRECEDING ELECTION DAY, TO ALLOW THE TABULATION OF ABSENTEE BALLOTS TO BEGIN AT 7:00 A.M. ON ELECTION DAY, AND TO CREATE A PENALTY FOR PUBLIC REPORTING OF THE RESULTS OF ABSENTEE BALLOTS BEFORE THE POLLS ARE CLOSED; TO AMEND SECTION 7-15-430, RELATING TO ABSENTEE VOTERS NOTED ON ELECTION LISTS AND VOTING BY PERSONS ISSUED ABSENTEE BALLOTS, SO AS TO PROVIDE PROCEDURES FOR THE CASTING OF PROVISIONAL BALLOTS BY PERSONS WHO HAVE NOT RETURNED THEIR ABSENTEE BALLOTS; TO AMEND SECTION 7-5-170, RELATING TO VOTER REGISTRATION WRITTEN APPLICATIONS, FORMS, AND OATHS, SO AS TO REQUIRE ACKNOWLEDGEMENT THAT THE PERSON REGISTERING TO VOTE IS NEITHER REGISTERED NOR INTENDS TO VOTE IN ANOTHER STATE OR COUNTY AND PROVIDE FOR A DATE STAMP ON APPLICATIONS; TO AMEND SECTIONS 7-13-320 AND 7-13-610, BOTH RELATING TO BALLOT STANDARDS AND SPECIFICATIONS, BOTH SO AS TO REQUIRE BALLOTS TO INCORPORATE FEATURES WHICH CAN BE USED TO AUTHENTICATE THE BALLOT AS OFFICIAL, EXCEPT FOR BALLOTS DELIVERED ELECTRONICALLY UNDER THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO AMEND SECTION 7-13-1330, RELATING TO VOTE RECORDERS AND OPTICAL SCAN VOTING SYSTEMS, SO AS TO REQUIRE CERTAIN STEPS BEFORE A STATEWIDE VOTING SYSTEM IS PROCURED, TO PROVIDE REQUIREMENTS FOR AN OPTICAL SCAN VOTING SYSTEM, AND TO REQUIRE THE PRESERVATION OF ELECTRONIC RECORDS FOR A STATEWIDE ELECTION FOR NOT LESS THAN TWENTY-FOUR MONTHS FOLLOWING THE ELECTION; TO AMEND SECTION 7-13-1340, RELATING TO REQUIREMENTS FOR VOTE RECORDERS OR OPTICAL SCAN VOTING DEVICES, SO AS TO PROVIDE THESE DEVICES MAY NOT BE USED UNLESS A DELINEATED LIST OF INTERNET AND OTHER CONNECTIONS ARE DISABLED; TO AMEND SECTION 7-13-1620, RELATING TO THE VOTING SYSTEM APPROVAL PROCESS, SO AS TO PROVIDE THAT IF THE FEDERAL VOTING SYSTEM STANDARDS AND GUIDELINES HAVE BEEN AMENDED WITHIN A CERTAIN TIME PERIOD BEFORE AN ELECTION, THE STATE ELECTION COMMISSION MAY APPROVE AND CERTIFY A VOTING SYSTEM IF CERTAIN CRITERIA ARE MET; TO AMEND SECTION 7-13-1640, RELATING TO VOTING MACHINE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; TO REPEAL SECTION 7-13-440 RELATING TO VOTING MACHINE BALLOTS AND ARRANGEMENT OF NOMINATIONS; TO AMEND SECTION 7-3-40, RELATING TO REPORTS TO BE FURNISHED BY THE BUREAU OF VITAL STATISTICS TO THE EXECUTIVE

DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO INCLUDE IN THE INFORMATION THAT MUST BE PROVIDED ALL INDIVIDUALS EIGHTEEN YEARS OF AGE OR OLDER WHO HAVE DIED OUT-OF-STATE; TO AMEND SECTION 7-5-186, RELATING TO THE STATEWIDE VOTER REGISTRATION DATABASE, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO CONDUCT AN ANNUAL GENERAL REGISTRATION LIST MAINTENANCE PROGRAM AND TO PROVIDE PROCEDURES FOR HANDLING DISCREPANCIES IN THE VOTER REGISTRATION DATABASE; TO AMEND SECTIONS 7-5-330 AND 7-5-340, BOTH RELATING TO REMOVAL OF ELECTORS, SO AS TO PROVIDE A TIMEFRAME TO REMOVE AN ELECTOR UNDER CERTAIN CIRCUMSTANCES WARRANTING SUCH; BY ADDING SECTION 7-25-30 SO AS TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION TO ESTABLISH A PUBLIC REPORTING MECHANISM FOR POSSIBLE ELECTION LAW VIOLATIONS; BY ADDING SECTION 7-5-350 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY ON ACTIONS TAKEN TO MAINTAIN THE ACCURACY OF THE STATEWIDE VOTER REGISTRATION DATABASE; BY ADDING SECTION 7-1-110 SO AS TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HAVE THE RIGHT TO INTERVENE AND HAVE STANDING ON BEHALF OF THEIR RESPECTIVE BODIES IN ACTIONS TO CHALLENGE THE VALIDITY OF AN ELECTION LAW, AN ELECTION POLICY, OR THE MANNER IN WHICH AN ELECTION IS CONDUCTED; TO AMEND SECTION 7-3-20, RELATING TO THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO ESTABLISH METHODS OF AUDITING ELECTION RESULTS; TO AMEND SECTIONS 7-25-20, 7-25-110, 7-25-120, 7-25-160, AND 7-25-170, ALL RELATING TO OFFENSES AGAINST ELECTION LAWS, ALL SO AS TO PROVIDE INCREASED PENALTIES; TO AMEND SECTION 7-3-10, RELATING TO THE COMPOSITION, POWERS, AND DUTIES OF THE STATE ELECTION COMMISSION, SO AS TO IDENTIFY CONDITIONS UNDER WHICH A PERSON IS DEEMED INELIGIBLE TO SERVE ON THE COMMISSION, TO ESTABLISH MECHANISMS FOR REMOVING INELIGIBLE COMMISSION MEMBERS, TO REQUIRE THE COMMISSION TO PROMULGATE REGULATIONS TO ESTABLISH STANDARDIZED ELECTION AND VOTER REGISTRATION PROCESSES, AND TO REQUIRE THE COMMISSION TO PROVIDE FOR THE SUPERVISION OF THE EXECUTIVE DIRECTOR TO ENSURE COMPLIANCE WITH APPLICABLE STATE AND FEDERAL ELECTION LAWS; TO AMEND SECTION 7-3-20, RELATING TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO PROVIDE FOR THE EXECUTIVE DIRECTOR'S APPOINTMENT WITH ADVICE AND CONSENT OF THE SENATE, TO ESTABLISH THE TERM, QUALIFICATIONS, AND ELIGIBILITY REQUIREMENTS, METHODS OF REMOVAL AND GROUNDS FOR DISQUALIFICATION, AND TO PROVIDE FOR FILLING OF A VACANCY, AMONG OTHER THINGS; TO AMEND SECTION 7-3-25, RELATING TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS COMPLIANCE WITH ELECTION LAWS AND POLICY, SO AS TO REQUIRE STANDARDIZED PROCESSES WITH REGARD TO THE CONDUCT OF ELECTIONS; BY ADDING SECTION 7-5-50 SO AS TO PROHIBIT THE STATE ELECTION COMMISSION AND COUNTY BOARDS FROM ACCEPTING GIFTS OR FUNDING FROM PRIVATE INDIVIDUALS OR OTHERS; BY ADDING SECTION 7-5-190 SO AS TO DIRECT THE STATE ELECTION COMMISSION TO ENSURE VOTER REGISTRATION INFORMATION, THE VOTING SYSTEM, AND ELECTRONIC POLL BOOKS ARE PROTECTED BY SECURITY MEASURES THAT MEET CERTAIN BEST PRACTICES STANDARDS; TO AMEND SECTION 7-3-70, RELATING TO REPORTS FURNISHED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO FURNISH THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION A MONTHLY REPORT OF ALL NON-UNITED STATES CITIZENS ISSUED A DRIVER'S LICENSE OR IDENTIFICATION CARD; TO AMEND SECTION 7-13-35, AS AMENDED, RELATING TO NOTICE OF ELECTIONS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 7-3-45 SO AS TO REQUIRE EACH COUNTY PROBATE COURT TO FURNISH THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION A MONTHLY REPORT OF ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER DECLARED MENTALLY INCAPACITATED; TO REQUIRE THE STATE ELECTION COMMISSION MUST ESTABLISH A TEMPORARY VOTER EDUCATION PROGRAM; TO AMEND SECTION 7-15-310, RELATING TO DEFINITIONS FOR PURPOSES OF ABSENTEE VOTING, SO AS TO REVISE THE DEFINITION OF "AUTHORIZED REPRESENTATIVE"; BY ADDING SECTION 7-15-400 SO AS TO PROVIDE THAT NO BALLOT APPLICATION OR ABSENTEE BALLOT MAY BE PROVIDED BY AN ELECTION OFFICIAL IF THE APPROPRIATE PROCEDURES ARE NOT FOLLOWED; BY ADDING SECTION 7-25-65 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO PROVIDE OR ACCEPT ANYTHING OF VALUE IN EXCHANGE FOR REQUESTING, COLLECTING, OR DELIVERING AN ABSENTEE BALLOT AND TO PROVIDE A PENALTY; TO AMEND SECTION 7-25-180, RELATING TO UNLAWFUL DISTRIBUTION OF CAMPAIGN LITERATURE, SO AS TO EXPAND THE PROHIBITION ON DISTRIBUTION OF CAMPAIGN LITERATURE OUTSIDE OF POLLING PLACES FROM TWO HUNDRED TO FIVE HUNDRED FEET; AND TO REPEAL SECTION 7-15-470 RELATING TO IN-PERSON ABSENTEE VOTING. - ratified title

12/09/20	Senate	Referred to Committee on Agriculture and Natural Resources
01/12/21	Senate	Introduced and read first time (Senate Journal-page 175)
01/12/21	Senate	Referred to Committee on Agriculture and Natural Resources (Senate Journal-page 175)
03/02/21	Senate	Committee report: Favorable Agriculture and Natural Resources (Senate Journal-page 13)
03/04/21	Senate	Read second time (Senate Journal-page 19)
03/04/21	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 19)
03/09/21	Senate	Read third time and sent to House (Senate Journal-page 10)
03/10/21	House	Introduced and read first time (House Journal-page 4)
03/10/21	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 4)
04/27/22	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs (House Journal-page 5)
05/03/22	House	Amended (House Journal-page 26)
05/03/22	House	Read second time (House Journal-page 26)
05/03/22	House	Roll call Yeas-109 Nays-0 (House Journal-page 51)
05/04/22	House	Read third time and returned to Senate with amendments (House Journal-page 22)
05/11/22	Senate	House amendment amended (Senate Journal-page 44)
05/11/22	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 44)
05/11/22	Senate	Returned to House with amendments (Senate Journal-page 44)
05/12/22	House	Concurred in Senate amendment and enrolled (House Journal-page 86)
05/12/22	House	Roll call Yeas-104 Nays-0 (House Journal-page 87)
05/12/22		Ratified R 165
05/13/22		Signed By Governor
05/31/22		Effective date See Act for Effective Date
05/31/22		Act No. 150