~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2010

**H. 3067**

Introduced by Reps. Clemmons, Brady, M.A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield

S. Printed 5/5/10--S.

Read the first time March 4, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3067) to amend Section 7‑11‑10, Code of Laws of South Carolina, 1976, relating to methods of nominating candidates, so as to prohibit a candidate from filing, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking SECTIONS 3 through 9 in their entirety.

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. This act takes effect on January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III C. BRADLEY HUTTO

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

A review of this bill, as amended, by the State Election Commission indicates there will be a cost to the General Fund of the State of approximately $110,000 for changes in training and education materials, and to provide education to county election officials, poll managers and voters.

**SPECIAL NOTES:**

The State Election Commission requests funding for primary and statewide general elections, and if this bill is enacted, these additional expenditures would be included as part of the agency’s budget request.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 7‑11‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7‑13‑320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE’S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

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

SECTION 1. Section 7‑11‑10 of the 1976 Code is amended to read:

“Section 7‑11‑10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention or by petition; provided, ~~no~~ that a person who was defeated as a candidate for nomination to an office in a party primary or party convention ~~shall~~ may not have his name placed on the ballot for the ensuing general or special election, except that this proviso ~~shall~~ does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for ~~such~~ the office before the election is held.

(B) A candidate may not file more than one statement of intention of candidacy for a single election.

(C) A candidate may not be nominated by more than one political party for a single office for the same election.”

SECTION 2. Section 7‑13‑320(D) of the 1976 Code is amended to read:

“(D) The names of candidates offering for ~~any other~~ another office ~~shall~~ must be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. A candidate’s name may not appear on the ballot more than once for any single office for the same election.”

SECTION 3. Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑1115. (A) In order to be certified as part of the total number of votes cast, a ballot must indicate a vote cast for a single candidate. A vote, with the exception of a vote for electors for President of the United States and Vice President of the United States pursuant to Section 7‑13‑1320, may not be cast for a political party.

(B) A ballot that does not contain an individual vote for a single candidate for a single office, whether indicated on the ballot or as a write in, must be considered improperly marked as to that office only.”

SECTION 4. Section 7‑13‑330 of the 1976 Code, as amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑330. The arrangement of general election ballots containing the names of candidates for office must conform as nearly as possible to the following plan, with a column or columns added in case of nomination by petition and a blank column added for write‑in votes, and must contain the specified instructions there set forth and no other:

GENERAL ELECTION OFFICIAL BALLOT

No. \_\_\_\_\_\_ \_\_\_\_\_\_\_\_ COUNTY, SOUTH CAROLINA

November \_\_\_, \_\_\_\_\_

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

Initials of Issuing Officer

OFFICIAL BALLOT

GENERAL ELECTION

\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ County, South Carolina

November \_\_\_, \_\_\_\_\_

Precinct \_\_\_\_\_\_\_\_\_\_

INSTRUCTIONS‑‑~~To vote a straight party ticket, make a cross (X) in the circle (O) under the name of your party. Nothing further need or should be done.~~ To vote ~~a mixed ticket, or in other words for candidates of different parties or petition candidates, omit making a cross (X) mark in the party circle at the top and~~ make a cross (X) in the voting square [ ] opposite the name of each candidate on the ballot for whom you wish to vote. Only those candidates for whom the voting square is marked shall receive a vote. If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside of the ballot.

Nomination by

Name of Party Name of Party Petition

Names of Office 0 0

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STATE Governor Governor Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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Lieutenant Lieut. Governor Lieut. Governor Lieut. Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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Secretary of Sec. of State Sec. of State Sec. of State

State [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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CONGRES‑ U.S. Senator U.S. Senator U.S. Senator

SIONAL [ ] Name of [ ] Name of [ ] Name of

Senator Candidate Candidate Candidate

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[ ] Name of [ ] Name of [ ] Name of

District Candidate Candidate Candidate ”

SECTION 5. Section 7‑13‑1340 of the 1976 Code, as last amended by Act 223 of 2006, is further amended to read:

“Section 7‑13‑1340. A vote recorder or optical scan voting device must not be adopted or used unless it:

(a) provides facilities for voting for the candidates as may be nominated and upon the questions as may be submitted;

(b) ~~permits each elector, at other than primaries, to vote a straight party or body ticket, in one operation; and, in one operation, to vote for all the candidates of one party or body for every office to be voted for, except those offices as to which the elector votes for individual candidates;~~

~~(c)~~ permits each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

~~(d)~~(c) permits each elector to vote, at any election, for any person and for any office for whom and for which the elector is lawfully entitled to vote, whether or not the name of the person or persons appears upon a ballot label as a candidate for election, and to vote for as many persons for an office as the elector is entitled to vote for, and to vote for or against any question upon which the elector is entitled to vote;

~~(e)~~(d) precludes, when used in conjunction with a tabulating machine, the counting of votes for any candidate, or upon any question, for whom or upon which an elector is not entitled to vote, and precludes the counting of votes for more persons for any office than the elector is entitled to vote for or for fewer than the elector is required to vote for, and precludes the counting of votes for any candidate for the same office or upon any question more than once;

~~(f)~~(e) permits voting in absolute secrecy, so that a person shall not see or know for whom any other elector has voted or is voting, except an elector whom the person has assisted or is assisting in voting, as prescribed by law;

~~(g)~~(f) is constructed of material of good quality, in a neat and workmanlike manner;

~~(h)~~(g) records, when properly operated, correctly and accurately every vote cast;

~~(i)~~(h) is constructed so that an elector may readily learn the method of operating it;

~~(j)~~(i) is safely transportable; and

~~(k)~~(j) if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1330(C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.”

SECTION 6. Section 7‑15‑360 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑360. 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.

SECTION 7. Section 7‑15‑365 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑365. The board of registration 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 registration 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 registration. 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.”

SECTION 8. The last paragraph of Section 7‑15‑370 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“If absentee ballots are not available at the time the voter requests one, 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 straight party ticket;~~ and ~~(3)~~ support or opposition of any ballot measure.”

SECTION 9. This act takes effect upon approval by the Governor.

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