**South Carolina General Assembly**

119th Session, 2011-2012

**S. 638**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Fair, Grooms, Bryant, Rose, Ryberg and Thomas

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Companion/Similar bill(s): 3110

Introduced in the Senate on March 2, 2011

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

Summary: Party requirements for voting in partisan primary election

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2011 Senate Introduced and read first time ([Senate Journal‑page 14](file:///h:\sj%20archive\2011\03-02-11.docx))

3/2/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 14](file:///h:\sj%20archive\2011\03-02-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[3/2/2011](file:///p:\pprever\2011-12\638_20110302.docx)

**A** **BILL**

TO AMEND SECTION 7‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT OF REGISTRATION IN ORDER TO VOTE, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT PARTY; TO AMEND SECTION 7‑5‑170, AS AMENDED, RELATING TO THE REQUIREMENTS FOR VOTER REGISTRATION, SO AS TO PROVIDE THE REQUIREMENT OF STATING POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUDING IT IN THE OATH; AND REQUIRE THE STATE ELECTION COMMISSION TO ASSIST IN CAPTURING THIS DATA; AND TO AMEND SECTION 7‑9‑20, RELATING TO THE QUALIFICATIONS FOR VOTING IN PRIMARY ELECTIONS, SO AS TO INCLUDE, AS A REQUIREMENT, REGISTERING AS A MEMBER OF THE PARTY AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

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

SECTION 1. Section 7‑5‑110 of the 1976 Code is amended to read:

“Section 7‑5‑110. (A) ~~No~~ A person ~~shall be allowed to~~ may not vote at any election unless he ~~shall be~~ is registered as ~~herein~~ required by the provisions of this chapter.

(B) A person may not vote in a partisan primary election or partisan advisory referendum unless he has registered as being a member of that party.

(C) The provisions of this section do not apply to a partisan presidential preference primary.

(D) The State Election Commission shall assist the county entities charged by law with registering electors with capturing the data and maintaining a list of all electors registered by party affiliation. To expedite the registration of electors, the county entities shall allow electors to register by party, if they wish, at all partisan primary elections conducted before June 2012.

(E) After the first primary is conducted under the provisions of this section, the entity charged by law with registering qualified electors shall contact the qualified electors of that county, by whatever method it determines to be appropriate, informing them of partisan primary voting procedures as provided in this section.

(F) The State Election Commission shall provide a format for absentee voting registration to comply with the provisions of this section.”

SECTION 2. Section 7‑5‑170 of the 1976 Code, as last amended by Act 239 of 2004, is further amended to read:

“Section 7‑5‑170. (1) Written application required. ~~No~~ A person may not be registered to vote except upon written application ~~which shall become~~ that becomes a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application as required by this section must not be open to public inspection.

(2) Form of application. The application must be on a form prescribed and provided by the executive director and ~~shall~~ must contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, political party affiliation, if any, and location of prior voter registration. The applicant ~~must~~ shall affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant ~~must~~ shall take the following oath: ‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that I am a member of the …… political party. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.’ Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Administration of oaths. ~~Any~~ A member of the registration board, deputy registrar, or ~~any~~ a registration clerk must be qualified to administer oaths in connection with the application.

(4) Decisions on applications. ~~Any~~ A member of the registration board, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

SECTION 3. Section 7‑9‑20 of the 1976 Code is amended to read:

“Section 7‑9‑20. (A) The qualifications for membership in a certified party and for voting at a party primary election include the following:

(1) the applicant for membership, or voter, must be at least eighteen years of age or become so before the succeeding general election~~,~~; ~~and~~

(2) must be a registered elector, ~~and~~ a citizen of the United States, and of this State~~.~~; and

(3) has registered as a member of the certified party.

(B) ~~No~~ A person may not belong to ~~any~~ a party club or vote in ~~any~~ a primary unless he is a registered elector and a member of that party. The state convention of any political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if ~~such~~ the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.

(C) The entity charged by law with conducting a primary shall allow an elector to change his political party affiliation by executing an affidavit not later than thirty days before the primary. During that time, an elector may execute an affidavit declaring that he desires not to be affiliated with a political party. The affiliation with a political party or as a nonpartisan is valid until changed by the qualified elector pursuant to the provisions of this section.

(D) When a qualified elector presents himself at a polling place to vote in a primary election, the entity charged by law with conducting the election or its representative shall require the qualified elector to sign an affidavit affirming that he is a member of the party conducting the primary. If the qualified elector does not sign this affidavit, he is declared to be nonpartisan and he may not vote in a partisan primary election.”

SECTION 4. Notwithstanding the provisions of this act, in all primaries conducted before June 2012, an elector is permitted to vote if he has not signed the affidavit required by this act. After May 31, 2012, all political party primaries must be conducted pursuant to the provisions of this act.

SECTION 5. This act takes effect upon approval by the Governor.

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