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Indicates New Matter

COMMITTEE REPORT

February 1, 2012

**S. 304**

Introduced by Senators Campsen, Verdin, Rose, Fair and Massey

S. Printed 2/1/12--S. [SEC 2/2/12 12:16 PM]

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 304) to amend Section 7‑5‑120, Code of Laws of South Carolina, 1976, relating to qualifications for registration to vote, so as to require a person to submit proof, 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 all after the enacting language and inserting the following therein:

/ SECTION 1. This act may be cited as the “South Carolina Voter Citizenship Verification Act”.

SECTION 2. Section 7‑5‑120(A) of the 1976 Code is amended to read:

“(A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:

(1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;

(2) is not laboring under disabilities named in the Constitution of 1895 of this State; ~~and~~

(3) is a resident in the county and in the polling precinct in which the elector offers to vote~~.~~; and

(4) provides proof of citizenship pursuant to Section 7‑5‑123.”

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑123. (A) The county board of registration must reject any application for voter registration unless the person submits satisfactory proof of United States citizenship. Satisfactory proof of citizenship shall include any of the following:

(1) the number of the applicant’s driver’s license or other form of identification containing a photograph that is issued by the South Carolina Department of Motor Vehicles or a driver’s license or identification card containing a photograph that is issued by another state pursuant to the provisions in Section 41‑8‑20(B)(2)(c);

(2) the applicant’s birth certificate or a certified photocopy of the person’s birth certificate;

(3) a valid United States passport or a legible photocopy of the pertinent pages of the person’s passport, identifying the person and showing the passport number;

(4) the applicant’s United States naturalization documentation or a legible photocopy of this documentation, or the number of the person’s certificate of naturalization; except that a person who provides the number of the certificate of naturalization in lieu of the naturalization documentation must not be registered until the county board of registration verifies the number with United States Citizenship and Immigration Services;

(5) any document or method of proof of citizenship established by the federal ‘Immigration Reform and Control Act of 1986’; or

(6) the applicant’s bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.

(B) Proof of voter registration from another state or county is not satisfactory proof of citizenship for purposes of this section.

(C) A person who is registered to vote as of the effective date of this act is deemed to have provided proof of citizenship and is not required to submit proof of citizenship pursuant to this section.

(D) A registered elector is not required to submit proof of citizenship when the elector:

(1) moves within a county and changes his address on the registration record in accordance with this chapter; or

(2) changes his name on the registration record in accordance with this chapter.

(E) Residents of this State who are United States citizens who are not in possession of any of the documents or methods of proof enumerated under subsection (A), may submit other documents or methods of proof for establishing evidence of United States citizenship which shall be promulgated by rule and regulation of the State Election Commission.

(F) After a person has submitted satisfactory evidence of citizenship, such information must be indicated on the elector’s voter registration record. After two years, the State Election Commission may destroy all documents that were submitted as evidence of citizenship.

(G) The State Election Commission shall establish procedures to match an applicant’s voter registration information to the information contained in the data base maintained by the Department of Motor Vehicles for the verification of the accuracy of the information provided on the application for voter registration, including whether the applicant has provided satisfactory evidence of United States citizenship.”

SECTION 4. Section 7‑5‑320(C) of the 1976 Code is amended to read:

“(C)(1) The Department of Motor Vehicles shall include a voter registration form as part of an application for a state motor vehicle driver’s license.

(2) The voter registration application portion of an application for a state motor vehicle driver’s license:

(a) may not require any information that duplicates information required in the driver’s license portion of the form, other than a second signature or other information necessary under subitem (c);

(b) may require only the minimum amount of information necessary to:

(i) prevent duplicate voter registrations; and

(ii) enable a county board of voter registration to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(c) ~~includes~~ must include a statement that:

(i) states each eligibility requirement, including citizenship with satisfactory documentation as required pursuant to Section 7‑5‑123(A);

(ii) contains an attestation that the applicant meets each requirement; and

(iii) requires the signature of the applicant under penalty of perjury;

(d) includes in print identical to that used in the attestation portion of the application:

(i) the information required in Section 7‑5‑320(C)(2)(c);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that, if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(e) must be made available, as submitted by the applicant, to the county board of voter registration in which the application is made.”

SECTION 5. Section 7‑5‑320(E)(1) of the 1976 Code is amended to read:

“(E)(1) A completed voter registration portion of an application for a state motor vehicle driver’s license and documentation of proof of citizenship as required by Section 7‑5‑123 accepted at a state motor vehicle authority must be transmitted to the county board of voter registration no later than ten days after the date of acceptance.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III JOHN L. SCOTT, JR.

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Election Commission indicates there is no fiscal impact with the adoption of this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 7‑5‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR REGISTRATION TO VOTE, SO AS TO REQUIRE A PERSON TO SUBMIT PROOF OF CITIZENSHIP; TO ADD SECTION 7‑5‑123 SO AS TO PROVIDE THAT PROOF OF CITIZENSHIP WHEN REGISTERING TO VOTE, INCLUDES A DRIVER’S LICENSE OR IDENTIFICATION CARD ISSUED BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES OR A DRIVER’S LICENSE OR IDENTIFICATION CARD ISSUED BY ANOTHER STATE PURSUANT TO THE PROVISIONS IN SECTION 41-8-20(B)(2)(C), A UNITED STATES PASSPORT, A BIRTH CERTIFICATE, UNITED STATES NATURALIZATION DOCUMENTATION, OR ANY DOCUMENT OR METHOD OF PROOF OF CITIZENSHIP PROVIDED FOR IN FEDERAL LAW, TO EXEMPT PERSONS REGISTERED TO VOTE PRIOR TO THE APPROVAL OF THIS BILL, AND TO PROVIDE THAT PROOF OF CITIZENSHIP IS NOT REQUIRED WHEN THE ELECTOR MOVES OR CHANGES HIS NAME; AND TO AMEND SECTION 7‑5‑320, RELATING TO APPLICATIONS FOR MOTOR VEHICLE LICENSES AND RENEWALS SERVING AS AN APPLICATION FOR VOTER REGISTRATION, SO AS TO STATE ON THE VOTER REGISTRATION PORTION OF THE APPLICATION THE DOCUMENTATION REQUIRED FOR PROOF OF CITIZENSHIP, WHICH MUST ACCOMPANY THE APPLICATION.

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

SECTION 1. This act may be cited as the “South Carolina Voter Citizenship Verification Act”.

SECTION 2. Section 7‑5‑120(A) of the 1976 Code is amended to read:

“(A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:

(1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;

(2) is not laboring under disabilities named in the Constitution of 1895 of this State; ~~and~~

(3) is a resident in the county and in the polling precinct in which the elector offers to vote~~.~~; and

(4) provides proof of citizenship pursuant to Section 7‑5‑123.”

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑123. (A) The county board of registration must reject any application for voter registration unless the person submits satisfactory proof of United States citizenship. Satisfactory proof of citizenship shall include any of the following:

(1) The number of the applicant’s driver’s license or other form of identification containing a photograph that is issued by the South Carolina Department of Motor Vehicles or a driver’s license or identification card containing a photograph that is issued by another state pursuant to the provisions in Section 41-8-20(B)(2)(c);

(2) The applicant’s birth certificate or a legible photocopy of the person’s birth certificate;

(3) A valid United States passport or a legible photocopy of the pertinent pages of the person’s passport, identifying the person and showing the passport number;

(4) The applicant’s United States naturalization documentation or a legible photocopy of this documentation, or the number of the person’s certificate of naturalization; except that a person who provides the number of the certificate of naturalization in lieu of the naturalization documentation must not be registered until the county board of registration verifies the number with United States Citizenship and Immigration Services;

(5) Any document or method of proof of citizenship established by the federal ‘Immigration Reform and Control Act of 1986’; and

(6) The applicant’s bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.

(B) Proof of voter registration from another state or county is not satisfactory proof of citizenship for purposes of this section.

(C) A person who is registered to vote as of January 1, 2011, is deemed to have provided proof of citizenship and is not required to submit proof of citizenship pursuant to this section.

(D) A registered elector is not required to submit proof of citizenship when the elector:

(1) moves within a county and changes his or her address on the registration record in accordance with this chapter; or

(2) changes his or her name on the registration record in accordance with this chapter.”

SECTION 3. Section 7‑5‑320(C) and (E)(1) of the 1976 Code are amended to read:

“(C)(1) The Department of Motor Vehicles shall include a voter registration form as part of an application for a state motor vehicle driver’s license.

(2) The voter registration application portion of an application for a state motor vehicle driver’s license:

(a) may not require any information that duplicates information required in the driver’s license portion of the form, other than a second signature or other information necessary under subitem (c);

(b) may require only the minimum amount of information necessary to:

(i) prevent duplicate voter registrations; and

(ii) enable a county board of voter registration to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(c) ~~includes~~ must include a statement that:

(i) states each eligibility requirement, including citizenship with satisfactory documentation as required pursuant Section 7‑5‑123(A);

(ii) contains an attestation that the applicant meets each requirement; and

(iii) requires the signature of the applicant under penalty of perjury;

(d) includes in print identical to that used in the attestation portion of the application:

(i) the information required in Section 7‑5‑320(C)(2)(c);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that, if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(e) must be made available, as submitted by the applicant, to the county board of voter registration in which the application is made.

(E)(1) A completed voter registration portion of an application for a state motor vehicle driver’s license and documentation of proof of citizenship as required by Section 7‑5‑123 accepted at a state motor vehicle authority must be transmitted to the county board of voter registration no later than ten days after the date of acceptance.”

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

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