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Indicates New Matter

AMENDED

April 25, 2013

**H. 3176**

Introduced by Reps. Clemmons and G.R. Smith

S. Printed 4/25/13--H.

Read the first time January 8, 2013.

**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:**

State Election Commission

The State Election Commission estimates a total fiscal impact of $807,020 to the state general fund with the adoption of this bill. The commission estimates a recurring cost of $307,020 for reimbursement to the counties for poll workers used in the early voting process for statewide elections. In addition, the commission estimates $500,000 in non-recurring costs for voter education and training for county election officials and workers.

Other Agencies

The Judicial Department and the Department of Corrections indicate that this bill will have no fiscal impact on the General Fund of the State, nor on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

The amount provided in this impact does not include items that will be paid for by the counties. Counties have indicated to the State Election Commission that they will need $366,000 for additional machines used for voters with disabilities required by the Help America Vote Act. Counties also indicated they will need additional laptops, Ivotronic machines, printers, telephones, scanners, air cards and other miscellaneous items. However, the amounts for these items are not determinable at this time.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; BY ADDING SECTION 7‑13‑200 SO AS TO PROVIDE UNIFORM DATES FOR ELECTION EVENTS; BY ADDING SECTION 7‑13‑1115 SO AS TO REQUIRE A BALLOT TO INDICATE A VOTE CAST FOR A SINGLE CANDIDATE IN ORDER TO BE CERTIFIED AS PART OF THE TOTAL NUMBER OF VOTES CAST; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; TO AMEND SECTION 7‑11‑10, AS AMENDED, 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; TO AMEND SECTION 7‑13‑320, AS AMENDED, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE’S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTION 7‑13‑330, AS AMENDED, RELATING TO THE BALLOT FORM AND INSTRUCTIONS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING ON GENERAL ELECTION BALLOTS; TO AMEND SECTION 7‑13‑1340, AS AMENDED, RELATING TO REQUIREMENTS FOR VOTE RECORDERS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD; TO AMEND SECTION 7‑15‑360, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑365, AS AMENDED, RELATING TO BALLOTS AND INSTRUCTIONS FURNISHED BY COUNTY BOARDS OF REGISTRATION, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑370, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES AND THE DUTIES OF THE COUNTY REGISTRATION BOARD, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; AND TO REPEAL SECTION 7‑15‑470 RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS.

Amend Title To Conform

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

SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provisions of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) An early voting center must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish one early voting center. The county board of registration and elections will determine the location of the early voting center that must be located in a public building within the county seat or another location that is as centrally located for the entire county as possible. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins nine days before an election and ends the day prior to the election, exclusive of Sundays.

(F) The county board of registration and elections shall determine the hours of operation for the early voting center; however, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections, and the center must be open a minimum of five hours between the hours of 9:00 a.m. and 5:00 p.m. each day it is open for voting. The early voting center must close at 5:00 p.m. on the final day of early voting, the Monday immediately preceding election day.

(G) A sign must be posted prominently in the early voting center and shall have printed on it:

‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

SECTION 2. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑200. (A) An entity authorized by law to conduct an election shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates as provided in subsection (B).

(B) The dates on which an election event may be held are:

(1) the second Tuesday in March;

(2) the second Tuesday in June;

(3) the second Tuesday in September; or

(4) the Tuesday after the first Monday in November.

(C) Notwithstanding another provision of law, if an entity is required to conduct an election event, it must be conducted on one of the four dates established in subsection (B) after and nearest to the date established by another provision of law.

(D) A person having been elected and currently serving a term in office that has an election date other than one of those dates listed in subsection (B) must have his term of office extended to allow for an election to occur nearest the date provided by subsection (B).

(E) The provisions of this section do not apply to amendments proposed to the Constitution of this State or the United States Constitution.”

SECTION 3. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended by adding:

“(14) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 4. 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~~ 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. Nothing in this subsection prohibits a person from being nominated to the same office by more than one party and being reflected as the nominee of more than one party on the ballot.”

SECTION 5. 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 6. Section 7‑13‑330 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑330. (A) The State Election Committee shall determine the arrangement of general election ballots containing the names of candidates for office. The ballot must ~~conform as nearly as possible to~~ include 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~~ that are set forth there 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. If you wish to vote for a candidate not on ~~any~~a ticket, write or place the name of ~~such~~that 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.

(B) The ballot must include:

(1) the name of each candidate, listed only once;

(2) the office for which the candidate is nominated; and

(3) a listing of the party or parties which have nominated the candidate.

(C) Each ballot must offer a voter the opportunity to select individual candidates for whom to cast their vote or the opportunity to select a political party thereby casting a vote for each candidate nominated by the political party.

~~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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~~RepresentativeU.S. Repre‑ U.S. Repre‑ U.S. Repre‑~~

~~in Congress sentative sentative sentative~~

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

~~District Candidate Candidate Candidate~~”

SECTION 7. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑320. ~~(A)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person:~~

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

~~(2)~~ ~~members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;~~

~~(3)~~ ~~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;~~

~~(4)~~ ~~governmental employees, their spouses, and dependents residing with them;~~

~~(5)~~ ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~

~~(6)~~ ~~overseas citizens.~~

~~(B)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not he is absent from his 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 registration board;~~

~~(3)~~ ~~certified poll watchers, poll managers, county voter registration board 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; or~~

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

(A) A qualified elector may vote during the early voting period pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections:

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

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

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

(4) physically disabled persons who are, pursuant to certification by a physician, unable to vote in person because of their physical disability at either a polling place or early voting center;

(5) overseas citizens;

(6) persons sixty-five years of age or older;

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

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

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

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

(11) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day).”

SECTION 8. Sections 7-13-1620 and 7‑15‑470 of the 1976 Code are repealed.

SECTION 9. This act takes effect upon approval by the Governor, subject to obtaining preclearance from either the United States Department of Justice or the United States Court of Appeals of the District of Columbia, pursuant to the Voting Rights Act of 1965. However, if any portion of the act fails to gain preclearance, the other portions of the act shall not take effect.

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