~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 8, 2014

**S. 4**

Introduced by Senators Scott, Malloy, Setzler, Matthews, Allen, Coleman, Ford, Hutto, Jackson, Johnson, Lourie, McElveen, McGill, Nicholson, Pinckney, Reese, Sheheen, Williams and Bryant

S. Printed 5/8/14--H.

Read the first time March 21, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 4) to amend the Code of Laws of South Carolina, 1976, by adding Section 7‑13‑25 so as to establish early voting procedures; to amend Section 7‑3‑20, 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 words and inserting:

/ 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 at least one early voting center. The county board of registration and elections will determine the locations of the early voting center that must be located in a public building within the county seat or another location. 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 7‑15‑320 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 at either a polling place or early voting center because of their physical disability;

(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;

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

(12) persons attending sick or physically disabled.”

SECTION 5. Sections 7‑13‑1620 and 7‑15‑470 of the 1976 Code are repealed.

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**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; 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; AND TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

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) Early voting centers 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 at least one early voting center and may establish up to three early voting centers. The county board of registration and elections shall determine the location of the early voting center or centers. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins ten days before an election and ends three days prior to the election.

(F) The county board of registration and elections shall determine the hours of operation for the early voting center or centers; however:

(1) for any election, the early voting centers shall not open on Sundays;

(2) for statewide primaries and general elections, the early voting centers must be open for two Saturdays within the early voting period; and

(3) for any election that is not a statewide primary or general election, the county board of registration and elections shall determine whether to open or not to open the early voting centers on Saturdays during the early voting period.

(G) In addition to the early voting centers established pursuant to this section, a county board of registration and elections may authorize up to two additional early voting centers if the county board of registration and elections finds there is a need for additional early voting centers after holding a public hearing on the matter. The county board of registration and elections will determine the location of the early voting center or centers.

(H) 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’.”

(I) The provision of this section do not apply to presidential preference primaries held pursuant to Section 7-11-20.”

SECTION 2. 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 3. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended by adding:

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

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

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