**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑350 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BUREAU OF VITAL STATISTICS TO FURNISH THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION WITH A MONTHLY REPORT AT NO CHARGE OF PERSONS EIGHTEEN YEARS OF AGE OR OLDER WHO HAVE DIED AND TO PROVIDE A PROCEDURE FOR REMOVING A DECEDENT’S NAME FROM THE OFFICIAL LIST OF ELIGIBLE VOTERS; TO AMEND SECTION 7‑5‑340, RELATING TO THE DUTIES OF THE STATE ELECTION COMMISSION REGARDING THE REMOVAL OF AN ELECTOR FROM THE OFFICIAL LIST OF ELIGIBLE VOTERS, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO RETAIN FOR FOUR YEARS A SEPARATE RECORD FOR REGISTERED VOTERS WHOSE NAMES HAVE BEEN DELETED AND THE REASON FOR THEIR DELETION, AND TO REQUIRE THE STATE ELECTION COMMISSION TO RETAIN PERMANENTLY A SEPARATE RECORD FOR INFORMATION RECEIVED REGARDING DEATHS, FELONY CONVICTIONS, AND ADJUDICATIONS OF INCAPACITY; AND TO REPEAL SECTION 7‑3‑40 RELATING TO REPORTS FURNISHED BY THE BUREAU OF VITAL STATISTICS.

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

SECTION 1. Article 4, Chapter 5, Title 7 of the 1976 Code, is amended by adding:

“Section 7‑5‑350. (A)(1) The South Carolina Department of Health and Environmental Control, Bureau of Vital Statistics shall furnish the Executive Director of the State Election Commission a monthly report of all persons eighteen years of age or older who have died in the State since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide this information at no charge.

(2) The name of a deceased voter may be removed from the statewide voter registration database pursuant to a request by the deceased voter’s next of kin after the required documentation has been transmitted to the State Election Commission by the director of the appropriate county board of voter registration and elections. The next of kin shall:

(a) present a certified copy of the death certificate to the county board of voter registration and elections; and

(b) complete a form prescribed by the Executive Director of the State Election Commission that must be:

(i) executed in person by the deceased voter’s next of kin at the county board of voter registration and elections; and

(ii) witnessed by the director of the county board of voter registration and elections, or his designee.

(B) The State Election Commission within five days of receipt of information pertaining to a deceased voter shall remove the name from the statewide voter registration database it maintains. A deceased voters name may not be removed during the period of time that the registration books are closed for a primary, general, or special election.

(C) Following the removal of a name of a deceased voter from the statewide database, the State Election Commission shall notify the director of the county board of elections in which the voter resided, of the removal. The director of the county board of elections within ten days shall update the county voter registration files to reflect the necessary change.”

SECTION 2. Section 7‑5‑340 of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“Section 7‑5‑340. The State Election Commission shall:

(1) ensure that the name of a qualified elector may not be removed from the official list of eligible voters except:

(a) at the request of the qualified elector;

(b) if the elector is adjudicated mentally incompetent by a court of competent jurisdiction; or

(c) as provided under item (2);

(2) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:

(a) ~~the~~ death of the qualified elector; or

(b) ~~a~~ change in the residence of the qualified elector;

(3) inform applicants under Sections 7‑5‑155, 7‑5‑310, and 7‑5‑320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

(4) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official lists of eligible voters in compliance with the provisions of Section 7‑5‑330(F); this subitem may not be construed to preclude:

(a) the removal of names from official lists of voters on a basis described in items (1) and (2); or

(b) correction of registration records pursuant to this article~~.~~;

(5) retain on the database for four years a separate record for registered voters whose names have been deleted, with the reason for deletion; and

(6) retain on the database permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity.”

SECTION 3. Section 7‑3‑40 of the 1976 Code is repealed.

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

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