DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2012 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at [LPITS@scstatehouse.gov](mailto:LPITS@scstatehouse.net) regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 15.

ABSENTEE REGISTRATION AND VOTING

ARTICLE 1.

GENERAL PROVISIONS

**SECTION 7‑15‑10.** Duties of State Election Commission.

The State Election Commission is responsible for carrying out the provisions of Article 3 and Article 5 of this chapter. The commission may promulgate regulations, and must have drafted, printed, and distributed all forms that are required to make it possible for persons listed in Section 7‑15‑320 to vote by absentee ballot in primary, general, and special elections. Regulations promulgated pursuant to this section must be promulgated in accordance with the Administrative Procedures Act.

HISTORY: 1962 Code Section 23‑450.3; 1975 (59) 263; 1962 Code Section 23‑449.13; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 434, Section 15, eff June 4, 1996.

**SECTION 7‑15‑20.** Construction.

Article 3 and Article 5 of this chapter shall be liberally construed in order to effectuate their purposes.

HISTORY: 1962 Code Section 23‑450.4; 1975 (59) 263; 1962 Code Section 23‑449.14; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982.

ARTICLE 3.

ABSENTEE REGISTRATION

**SECTION 7‑15‑110.** Persons qualified to register to vote by absentee ballot.

The following persons are qualified to register to vote using the Standard Form 76, or any subsequent form replacing it, provided by the federal government:

(1) members of the Armed Forces of the United States;

(2) members of the Merchant Marine of the United States;

(3) a person serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of his residence in South Carolina;

(4) members or employees of any department of the United States Government serving overseas;

(5) a citizen of the United States residing outside the United States:

(a) if he last resided in South Carolina immediately before his departure from the United States;

(b) if he could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements which are consistent with the Uniformed And Overseas Absentee Voting Act (Public Law 99‑410).

HISTORY: 1962 Code Section 23‑445; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Sections 1, 2, eff January 27, 1984; 1988 Act No. 422, Section 5, eff March 28, 1988; 1996 Act No. 434, Section 16, eff June 4, 1996.

**SECTION 7‑15‑120.** Registration forms.

Persons listed in Section 7‑15‑110, their spouses, and dependents residing with them, may register by using either federal Standard Form 76, or any subsequent form replacing it issued by the federal government. In order to be registered, either form must reach the county board of registration not later than thirty days before the election.

HISTORY: 1962 Code Section 23‑446; 1975 (59) 263; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 3, eff January 27, 1984; 1986 Act No. 407, Sections 2, 3, eff May 12, 1986; 1994 Act No. 365, Section 2, eff May 3, 1994; 1996 Act No. 434, Section 17, eff June 4, 1996.

**SECTION 7‑15‑130.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑140.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑150.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑160.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑170.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑175.** Article shall not be construed as allowing registration after books have been closed.

Except as provided in Section 7‑5‑150, nothing in this article shall be construed as allowing registration under the provisions of this article after the registration books have been closed as required by Section 7‑5‑150 and 7‑5‑220.

HISTORY: 1962 Code Section 23‑450.1; 1975 (59) 263; 1962 Code Section 23‑449.3; 1976 Act No. 479 Section 2; 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 222, Section 2, eff February 12, 1996.

**SECTION 7‑15‑180.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑190.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑200.** Furnishing of election materials to persons requesting absentee ballots.

Upon receipt of the list of names the county committee, the commissioners of election or other persons responsible for the conduct of the election shall, as soon as the ballots to be used in the election are delivered to them, mail at his absentee address, in one envelope, the following items to each person qualified to receive an absentee ballot and who has requested an absentee ballot:

(1) One of each ballot to be used in the election;

(2) A copy of the oath set forth in Section 7‑15‑220;

(3) Printed instructions as to the marking, folding and return of each ballot and as to the signing and return of the oath;

(4) A return‑addressed envelope for the return of the ballots and the oath to the commissioners of election;

(5) Any additional oath, instructions or information necessary to enable such absentee ballot applicant to execute and return a ballot legally acceptable by the officials charged with conducting such election.

HISTORY: 1962 Code Section 23‑449.6; 1976 Act No. 479 Section 2.

**SECTION 7‑15‑210.** Specifications for return‑addressed envelopes.

The return‑addressed envelope required by item (4) of Section 7‑15‑200 to be sent to each absentee ballot applicant shall have printed on its face in the upper left hand corner the words "Absentee ballots for \_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_ (county seat), South Carolina." All blanks on the face of the envelope shall be filled in by the commissioners of election prior to the mailing of the ballot to the absentee ballot applicant. On the back shall appear blanks which the voter shall fill in with his name and address. The envelope shall be of such thickness as to make it impossible to read any of its contents without opening the envelope. When the ballot is for use in a primary election the return‑addressed envelope referred to herein and in Section 7‑15‑200 shall be changed appropriately to insure its return to the proper county committee.

HISTORY: 1962 Code Section 23‑449.7; 1976 Act No. 479 Section 2.

**SECTION 7‑15‑220.** Signing and witnessing of oath of absentee ballot applicant; exception.

(A) The oath, a copy of which is required by Section 7‑15‑200(2) to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant's ballot, shall be signed by the absentee ballot applicant and witnessed. The oath shall be in the following form:

"I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct."

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).

HISTORY: 1962 Code Section 23‑449.8; 1976 Act No. 479 Section 2; 2011 Act No. 43, Section 6, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑230.** Marking and return of ballot; ballot shall not be counted unless oath signed and ballot returned prior to closing of polls.

Upon receipt of the ballot or ballots the absentee ballot applicant shall mark each ballot on which he wishes to vote, fold it so that its contents cannot be distinguished without unfolding it and mail it in compliance with the instructions received by him with the ballot. Enclosed with the ballot or ballots shall be the oath set forth in Section 7‑15‑220. No ballot shall be counted unless the oath is properly signed and enclosed therewith nor shall any ballot be counted which is received by the commissioners of election or other officials charged with the conduct of the election after time for closing of the polls, and the printed instructions required by item (3) of Section 7‑15‑200 to be sent each absentee ballot applicant shall notify him that his vote will not be counted in either of these events.

HISTORY: 1962 Code Section 23‑449.9; 1976 Act No. 479 Section 2.

**SECTION 7‑15‑240.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑250.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑260.** Responsibilities of political parties conducting municipal primary; expenses.

Any political party conducting a municipal primary in this State is responsible for carrying out the provisions of this article by making ballots and election material available so that the persons named in Section 7‑15‑320 may be enabled to vote in these primary elections subject to the rules and regulations of the political party. All expenses incurred by any political party in conducting elections subject to the provisions of this article must be borne by the political party.

HISTORY: 1962 Code Section 23‑449.12; 1976 Act No. 479 Section 2; 1996 Act No. 434, Section 18, eff June 4, 1996.

ARTICLE 5.

ABSENTEE VOTING

**SECTION 7‑15‑310.** Definitions.

As used in this article:

(1) The term "members of the Armed Forces of the United States" means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components.

(2) The term "members of the Merchant Marine of the United States" means all officers and men engaged in maritime service on board ships.

(3) The term "students" means all persons residing outside of the counties of their respective residences, enrolled in an institution of learning.

(4) The term "physically disabled person" means a person who, because of injury or illness, cannot be present in person at his voting place on Election Day.

(5) The term "registration form" means Standard Form 76, or any subsequent form replacing it, authorized by the federal government or the state form described in Section 7‑15‑120.

(6) The term "persons in employment" means those persons who by virtue of their employment obligations are unable to vote in person.

(7) The term "authorized representative" means a registered elector who, with the voter's permission, acts on behalf of a voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or a voter unable because of a physical handicap to go to his polling place or because of such handicap unable to vote at his polling place due to existing architectural barriers which deny him physical access to the polling place, voting booth, or voting apparatus or machinery. Under no circumstance shall a candidate or a member of a candidate's paid campaign staff or volunteers reimbursed for the time they expend on campaign activity be considered an "authorized representative" of an elector desiring to vote by absentee ballot.

(8) The term "immediate family" means a person's spouse, parents, children, brothers, sisters, grandparents, grandchildren, and mothers‑in‑law, fathers‑in‑law, brothers‑in‑law, sisters‑in‑law, sons‑in‑law, and daughters‑in‑law.

(9) The term "overseas citizen" means a citizen of the United States residing outside of the United States as specified by Section 7‑15‑110.

HISTORY: 1962 Code Section 23‑441; 1953 (48) 423; 1966 (54) 2376; 1973 (58) 73; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No; 266, Sections 5, 6, eff January 27, 1984; 2000 Act No. 392, Section 10, eff August 1, 2000.

**SECTION 7‑15‑320.** Persons qualified to vote by absentee ballot.

(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.

HISTORY: 1962 Code Section 23‑442; 1953 (48) 423; 1960 (51) 1598; 1966 (54) 2376; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 7, eff January 27, 1984; 1987 Act No. 130 Section 1, eff June 3, 1987; 1989 Act No. 48, Section 1, eff April 6, 1989; 1989 Act No. 193, Section 2, eff June 20, 1989; 1992 Act No. 489, Section 1, eff July 1, 1992; 1994 Act No. 365, Section 3, eff May 3, 1994; 1995 Act No. 80, Section 1, eff June 12, 1995; 1996 Act No. 434, Section 19, eff June 4, 1996; 1997 Act No. 25, Section 1, eff upon approval (became law without the Governor's signature on May 22, 1997); 2011 Act No. 43, Section 8, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑330.** Time of application for absentee ballot; application in person.

To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board, or at an extension office of the board of registration as established by the county governing body, for the county of the voter's residence. A person requesting an application for a qualified elector as the qualified elector's authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county registration board in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration. The board of registration shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.

HISTORY: 1962 Code Section 23‑443; 1953 (48) 423; 1960 (51) 1598; 1971 (57) 85; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 8, eff January 27, 1984; 1988 Act No. 422, Section 6, eff March 28, 1988; 1989 Act No. 193, Section 3, eff June 20, 1989.

**SECTION 7‑15‑340.** Form of application for absentee ballot.

The application required in Section 7‑15‑330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except that persons listed in Section 7‑15‑320(2), (3), (6), and (10) may use Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

The application must contain the following information: name, registration certificate number, address, absentee address, election of ballot request, election date, runoff preference, party preference, reason for request, oath of voter, and voter's signature.

The oath must be as follows: "I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects, and I hereby apply for an absentee ballot for the reason indicated above." Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7‑25‑20.

HISTORY: 1962 Code Section 23‑444; 1953 (48) 423; 1971 (57) 85; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 9, eff January 27, 1984; 1984 Act No. 402, Section 2, eff May 24, 1984; 1989 Act No. 48, Section 1, eff April 6, 1989; 1990 Act No. 356, Section 1, eff March 19, 1990; 1992 Act No. 489, Section 2, eff July 1, 1992; 1994 Act No. 365, Section 4, eff May 3, 1994; 1995 Act No. 80, Section 2, eff June 12, 1995; 1996 Act No; 434, Section 20, eff June 4, 1996; 2004 Act No. 236, Section 1, eff May 24, 2004.

**SECTION 7‑15‑350.** Repealed by 1996 Act No. 434, Section 25, eff June 4, 1996.

**SECTION 7‑15‑360.** Furnishing ballots and envelopes.

The board of registration of each county must be furnished by the commissioners of election of the county or the county committee for each political party holding a primary, a sufficient number of ballots and envelopes not to exceed fifteen percent of the number of registered voters in that county to enable the board of registration to deliver these materials to qualified electors who desire to vote by absentee ballot. If an absentee ballot is not available at the time the voter requests it, the board of registration must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote a straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 434, Section 21, eff June 4, 1996.

**SECTION 7‑15‑365.** Ballots and instructions furnished by county board of registration.

The board of registration of each county must be furnished by the municipal election commission of each municipality holding an election or the executive committee of a municipal party holding a primary, a sufficient number of ballots, envelopes, and instructions to the absentee voter not to exceed fifteen percent of the number of registered voters in the municipality and sufficient postage to enable the board of registration to deliver materials to qualified electors desiring to vote by absentee ballot. The envelope required by item (4) of Section 7‑15‑370 must bear the return address of the county board of registration. If an absentee ballot is not available at the time the voter requests it, the board of registration must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote a straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1984 Act No. 266, Section 10, eff January 27, 1984; 1996 Act No. 434, Section 22, eff June 4, 1996.

**SECTION 7‑15‑370.** Furnishing ballots and envelopes; duties of county registration board.

Upon receipt of the ballots and envelopes, the county registration board must, as soon as possible, furnish the following items to each person qualified to receive an absentee ballot and who has validly completed a written application for an absentee ballot:

(1) one of each ballot to be used in the election;

(2) printed instructions as to the marking, folding, and return of each ballot and as to the signing (and return) of the oath;

(3) an envelope marked 'Ballot Herein' in which all completed ballots are to be placed;

(4) a return‑addressed envelope imprinted on the back with the oath set forth in Section 7‑15‑385 to be used for the return of the unmarked envelope (and enclosed ballots) to the board of registration;

(5) any additional oath, instructions, or information necessary to enable the absentee ballot applicant to execute and return a ballot legally acceptable by the officials charged with conducting the election.

The board of registration must record in the record book required by Section 7‑15‑330 to be kept by the board the date these materials are requested by written application and the date they are issued to the qualified elector. Election materials which are mailed must be sent to the voter's absentee mailing address.

If absentee ballots are not available at the time the voter requests one, the board of registration must provide a blank ballot to allow the voter to write in his: (1) selections of candidates; (2) selection of party, if he wishes to vote straight party ticket; and (3) support or opposition of any ballot measure.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1990 Act No. 357, Section 5, eff March 19, 1990; 1996 Act No. 434, Section 23, eff June 4, 1996.

**SECTION 7‑15‑375.** Return envelope for absentee ballot.

The return‑addressed envelope required by item (4) of Section 7‑15‑370 to be sent to each absentee ballot applicant shall have printed on its face in the upper left hand corner the words 'Absentee ballots for \_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_ (county seat), South Carolina.' All blanks on the face of the envelope shall be filled in by the county board of registration prior to the issuance of the ballot to the absentee ballot applicant. On the back shall appear blanks which the voter shall fill in with his name and address.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑380.** Oath of absentee ballot applicant; exception.

(A) The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

"I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct."

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1996 Act No. 416, Section 1, eff June 4, 1996; 2011 Act No. 43, Section 7, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑385.** Marking ballot; return; records; storage.

Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked "Ballot Herein" which in turn must be placed in the return‑addressed envelope. The applicant must then return the return‑addressed envelope to the board of registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of registration at the time the envelope is returned. The voter must sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of registration must note the authorization and the name of the authorized returnee in the record book required by Section 7‑15‑330. A candidate or a member of a candidate's paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter's immediate family as defined in Section 7‑15‑310. The oath set forth in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of registration must record in the record book required by Section 7‑15‑330 the date the return‑addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board. The board must securely store the envelopes in a locked box within the office of the registration board.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1987 Act No. 59 Section 1, eff April 28, 1987; 1996 Act No. 416, Section 2, eff June 4, 1996.

**SECTION 7‑15‑390.** Absentee balloting in primary and special elections; municipal elections.

Absentee balloting in the primary, special, and municipal elections must be in accordance with the provisions of Title 7.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 11, eff January 27, 1984.

**SECTION 7‑15‑395.** Responsibilities of political parties; expenses.

Any political party conducting a primary in this State is responsible for carrying out the provisions of this article by making ballots and election material available so that the persons named in Section 7‑15‑320 may be enabled to vote in primary elections. All expenses incurred by any political party in conducting elections subject to the provisions of this article shall be borne by such political party.

HISTORY: 1982 Act No. 280, Section 1, eff February 24, 1982.

**SECTION 7‑15‑400.** Applications for, and issuance of, special write‑in absentee ballots; alternate submission of federal write‑in absentee ballot.

(A) A qualified elector of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the County Board of Registration shall issue the special write‑in absentee ballot which must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for any federal, state, or local office or state or local ballot measure.

HISTORY: 1986 Act No. 407, Section 4, eff May 12, 1986; 2011 Act No. 43, Section 2, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑405.** Voters eligible to vote under Uniformed and Overseas Citizens Absentee Voting Act; absentee instant runoff ballots for second primaries.

(A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot with an absentee instant runoff ballot for each potential second primary must be sent to the elector at least forty‑five days prior to the primary election.

(B) The absentee instant runoff ballots for second primaries must be prepared by the authority charged with conducting the election.

(C) The absentee instant runoff ballot for a second primary shall permit the elector to vote his order of preference for each candidate for each office by indicating a rank next to the candidate's name on the ballot. However, the elector shall not be required to indicate his preference for more than one candidate on the ballot if he so chooses.

(D) The special absentee ballot shall be designated as an "absentee instant runoff ballot" and be clearly distinguishable from the regular absentee ballot.

(E) Instructions explaining the absentee instant runoff voting process must be provided with the ballot to the qualified elector.

(F) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

HISTORY: 2006 Act No. 253, Section 2, eff March 24, 2006; 2011 Act No. 43, Section 3, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑406.** Ballots to be sent to qualified electors under Uniformed and Overseas Citizens Absentee Voting Act; timing.

For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot must be sent to the elector at least forty‑five days prior to any election. If a qualified elector requests a ballot within the forty‑five day period before an election, an absentee ballot must be sent to the elector no later than the close of the next business day following receipt of the request.

HISTORY: 2011 Act No. 43, Section 4, eff upon contingency, see editor's note, (approved June 7, 2011).

ARTICLE 7.

ABSENTEE VOTING PRECINCTS

**SECTION 7‑15‑410.** Absentee voting precinct shall be established in each county; location.

In each county there must be established an absentee voting precinct located in the office of the county board of registration. The county election commission, municipal election commission, county committee for each political party, or executive committee of each municipal party in the case of primary elections is responsible for the tabulation and reporting of ballots at the absentee voting precinct. The absentee ballots must remain in the custody of the county board of registration until transferred to the county election commission, municipal election commission, county committee for each political party or executive committee of each municipal party for the purpose of tabulation and reporting as provided in Section 7‑15‑420.

HISTORY: 1962 Code Section 23‑450.1; 1971 (57) 97; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 12, eff January 27, 1984.

**SECTION 7‑15‑420.** Receipt, tabulation and reporting of absentee ballots.

The county election commission, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7‑13‑70, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county registration board making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return‑ addressed envelopes received by the county registration board before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county registration board after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked "Ballot Herein" removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked "Ballot Herein", placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return‑addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.

HISTORY: 1962 Code Section 23‑450.2; 1971 (57) 97; 1980 Act No. 376, Section 1, eff April 23, 1980; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 13, eff January 27, 1984; 1990 Act No. 357, Section 6, eff March 19, 1990; 1992 Act No. 253, Section 9, eff February 19, 1992; 1996 Act No. 227, Section 1, eff February 12, 1996; 2006 Act No. 284, Section 3, eff May 19, 2006.

**SECTION 7‑15‑430.** Absentee voters shall be noted on registration lists; voting by persons who have been issued absentee ballots.

Prior to the distribution of voter registration lists to the various precincts, the county board of registration shall note opposite the name of each registered voter who has voted by absentee ballot the fact of such voting or that an absentee ballot has been issued to a voter, as the case may be.

No voter whose name is so marked on the registration list as having voted shall be permitted to vote in person in his resident precinct and no voter who has been issued an absentee ballot may vote whether such ballot has been cast or not, unless he shall furnish to the officials of his resident precinct a certificate from the county board of registration that his absentee ballot has been returned to the board unmarked.

Should any voter be issued an absentee ballot after the registration board has released the registration books to be used in the election to the county election commission, municipal election commission, county committee, executive committee of any municipal party, or poll managers, the board of registration shall immediately notify in writing the county election commission, municipal election commission, county committee, executive committee of any municipal party, or poll manager, as the case may be, of the name, address, and certificate number of each voter who has since been issued an absentee ballot and the registration books must be appropriately marked that the voter has been issued an absentee ballot.

HISTORY: 1962 Code Section 23‑450.3; 1971 (57) 97; 1982 Act No. 280, Section 1, eff February 24, 1982; 1984 Act No. 266, Section 14, eff January 27, 1984.

**SECTION 7‑15‑440.** List of persons issued and who cast absentee ballots.

The county election commission shall, after each election, prepare a list of all persons to whom absentee ballots were issued and all persons who cast absentee ballots. The list so compiled shall be made available for public inspection upon request.

HISTORY: 1962 Code Section 23‑450.4; 1971 (57) 97.

**SECTION 7‑15‑450.** Application of article.

This article applies to political parties holding a primary and any other authorities conducting an election.

HISTORY: 1962 Code Section 23‑450.5; 1975 (59) 815; 1982 Act No. 280, Section 1, eff February 24, 1982; 1992 Act No. 253, Section 10, eff February 19, 1992.

**SECTION 7‑15‑455.** Repealed by 1998 Act No. 409, Section 3, eff December 31, 2000.

**SECTION 7‑15‑460.** Absentee ballots as provided by Uniformed and Overseas Citizens Absentee Voting Act.

(A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots for all elections for federal, state, and local offices to voters in accordance with his preferred method of transmission.

(B) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

HISTORY: 1992 Act No. 275, Section 1, eff March 10, 1992; 2006 Act No. 253, Section 3, eff March 24, 2006; 2011 Act No. 43, Section 5, eff upon contingency, see editor's note, (approved June 7, 2011).

**SECTION 7‑15‑470.** Absentee ballots other than paper ballots.

Notwithstanding the provisions of this chapter, a county board of registration may use other methods of voting by absentee ballot instead of by paper ballot. No voting machine or voting system, other than a paper‑based system, may be used for in‑person absentee voting that has not received written certification from the State Election Commission that the voting machine or voting system meets all statutory requirements for use in the State and certification that the machine can be secured against voting at times other than business hours of the county board of registration, that the results of elections can be held secure from release until the time for counting ballots at any polling place, and votes cast using the machine can be challenged and held secure until the hearing on challenged ballots required by Section 7‑13‑830 is held. The State Election Commission must develop standards and guidelines for these purposes.

HISTORY: 2001 Act No. 83, Section 1, eff August 10, 2001.