Potential Recommendations & Findings - Additional Information Note: The titles of Act Numbers or SC Code Annotated Sections have been shortened for spacing purposes.

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Standardization and Uniformity

Recommendation - Apply the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.

- Bullets from SEC PowerPoint (Agency's Law Change #2):
 - For a statewide general election, political parties must certify candidates by noon on August 15th
 - Several school districts and municipalities don't comply because candidate filing opens/closes after certification date
 - \circ $\;$ SEC recommends that all candidates be certified by August 15^{th}
- Agency rationale
 - The SEC recommends that the August 15th requirement apply to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates. The rationale for the change is to allow time for the SEC and counties that prepare databases for the ballots to be used in the general election to be built and tested and to ensure that overseas citizens and members of the military voting absentee are mailed ballots at least forty-five days prior to an election as required by law.
- Summary of current statutory requirement and/or authority granted:
 - All nominees in a party primary or party convention must be submitted to the party charged with preparing the ballot no later than noon on August 15 for a general election; Presidential and Vice-Presidential candidates must be certified by noon on the first Tuesday following the first Monday in September. S.C. Code Ann. § 7-13-350. (2000).
 - Act No. 505 (1996): All persons desiring to be a candidate for District Board of Education in Chesterfield County must filed notice of candidacy during the filing period beginning on the first Tuesday in September at noon and running for two weeks.
 - Act No. 185 (1997): All candidates for the McCormick County Board of Trustees must filed not later than noon September 1 of a general election year.
- Other agencies that would be impacted by revising or eliminating the law:
 - SEC states there are no other state agencies that would be impacted by revising the laws.
- See SC Code Ann. Section 7-13-350; Act No. 505 of 1996; and Act No. 185 of 1997 on following pages.

§ 7-13-350. Certification of candidates; verification of qualifications.

Except as otherwise provided in this section, the nominees in a party primary or party convention (A) held under the provisions of this title by any political party certified by the commission for one or more of the offices, national, state, circuit, multi-county district, countywide, less than countywide, or municipal to be voted on in the general election, held on the first Tuesday following the first Monday in November, must be placed upon the appropriate ballot for the election as candidates nominated by the party by the authority charged by law with preparing the ballot if the names of the nominees are certified, in writing, by the political party chairman, vice-chairman, or secretary to the authority, for the general election held under § 7-13-10, not later than twelve o'clock noon on August fifteenth or, if August fifteenth falls on a Saturday or Sunday, not later than twelve o'clock noon on the following Monday; and for a special or municipal general election, by at least twelve o'clock noon on the sixtieth day prior to the date of holding the election, or if the sixtieth day falls on Sunday, by twelve o'clock noon on the following Monday. Political parties nominating candidates by primary or convention must verify the qualifications of those candidates prior to certification to the authority charged by law with preparing the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which he has filed. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which he has filed shall not be nominated and certified, and such candidate's name shall not be placed on a general, special, or municipal election ballot.

(B) Candidates for President and Vice-President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission.

Act No. 505 of 1996. Chesterfield County School District Board of Education Members AN ACT TO AMEND ACT 205 OF 1993, RELATING TO THE MEMBERS OF THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MANNER IN WHICH CERTAIN VACANCIES ON THE BOARD SHALL BE FILLED.

Section 1. Notwithstanding any other provision of law, the District Board of Education of the Chesterfield County School District consists of nine members who must be elected in nonpartisan elections to be held at the same time as the general election in even-numbered years beginning in 1994 and also at a special election to be held on March 30, 1993, in the manner hereinafter provided. One member of the board must be a resident of and elected from each of the nine defined single-member election districts established in Section 2 of this act. Members of the board must be elected as follows:

(a) In 1993, a member of the board from District 1 must be elected for a one-year term and members of the board from Districts 2 and 9 must be elected for five-year terms.

(b) In 1994, members of the board from Districts 1 and 3 must be elected for four-year terms.

(c) In 1996, members of the board from Districts 4, 5, 6, 7, and 8 must be elected for four-year terms.

(d) In 1998, members of the board from Districts 1, 2, 3, and 9 must be elected for four-year terms.

(e) After 1998, members of the board must be elected in nonpartisan elections held every two or four years thereafter as appropriate for four-year terms. All members shall serve until their successors are elected and qualify.

(f) The present members of the district board of education shall continue to serve until successors from the election districts in which the present members reside are elected in the manner provided by this act at which time the terms of office of these present members shall expire.

In the event of a vacancy on the board occurring for any reason other than expiration of a term, the board shall fill the vacancy by appointment by majority vote of its members until the next regular trustee election at which time the vacancy must be filled by election for the remainder of the unexpired term or for a full term as appropriate.

Each member of the board must be elected by the qualified electors of the respective district from which the candidate seeks election. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission, or with the clerk of court on forms furnished by the commission which forms must be transmitted to the commission by the clerk of court. This notice of candidacy must be a sworn statement and must include the candidate's name, age, residence address, voting precinct, period of residence in the election district from which election is sought, and other information as the county election commission requires. The filing period on the first Tuesday in September at noon to run for two weeks, except that for the 1993 election, the filing period opens on the first Tuesday in February at noon to run for two weeks.

The county commissioners of election shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the time, polling places, and purpose of the election in a newspaper of general circulation within the district once a week for at least two successive weeks before the election. The results of the elections must be determined by the nonpartisan election and runoff method as contained in Section 5-15-62 of the 1976 Code.

The members of the board elected in these nonpartisan elections shall take office one week following certification of their election as provided in Section 59-19-315 of the 1976 Code." Time effective SECTION 2. This act takes effect upon approval by the Governor.

Act No. 185 of 1997. McCormick County School District No. 4 Board of Trustees (Section 21-3550 of the 1962 Code)

AN ACT TO AMEND ACT 472 OF 1976, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 4 OF MCCORMICK COUNTY, SO AS TO REQUIRE ALL CANDIDATES FOR ELECTION TO THE BOARD OF TRUSTEES TO FILE A STATEMENT OF CANDIDACY WITH THE BOARD OF ELECTION AND REGISTRATION NOT LATER THAN TWELVE O'CLOCK NOON ON SEPTEMBER 1ST OF THE YEAR IN WHICH THE GENERAL ELECTION IS HELD, AND TO FURTHER REFINE THE PROCEDURE FOR APPOINTMENT OF TRUSTEES IN THE EVENT THAT NO CANDIDATES OFFER IN THE GENERAL ELECTION FOR ANY FULL-TERM VACANCIES ON THE BOARD.

Statement of candidacy

SECTION 1. Section 1 of Act 472 of 1976 (codified as Section 21-3550 of the 1962 Code) is amended to read:

The County Board of Education of McCormick County is hereby constituted as the Board of Trustees of School District No. 4 of McCormick County, with all powers and duties prescribed by law for such board of trustees. The board shall consist of seven members to be elected in the general election commencing with the general election of 1976 for terms of four years and until their successors are elected and qualify, except that of those first elected three shall serve for terms of two years only. The four members receiving the greatest number of votes shall serve for four years and those receiving the least number of votes shall serve for two years. If the members receive the same number of votes, the length of terms shall be determined by lot.

All candidates shall be qualified electors of McCormick County and shall file and qualify as candidates, to be voted on at the time of the general election, by filing and/or registering a statement of candidacy with the Board of Election and Registration of McCormick County <u>not later than twelve o'clock noon on September 1st or, if September 1st falls on Sunday, not later than twelve o'clock noon on the following Monday of the year in which the general election is to be held.</u>

In the event that candidates do not offer in the general election for any full-term vacancies on the board as specified above, the Governor shall appoint the trustee or trustees to fill any such vacancies upon the recommendation of the McCormick County Council. Any vacancies shall be filled for the unexpired portion of a term by appointment by the Governor upon recommendation of the McCormick County Council. In making recommendations for appointments to fill full-term or unexpired- term vacancies, the McCormick County Council may request and receive recommendations from the Board of Trustees.

The board shall elect a chairman who shall serve for one year.

Effective date SECTION 2. This act takes effect upon approval by the Governor.

Recommendation - Change deadline to register to vote from 30 days to 25 days by amending SC Code Ann. § 7-5-150; -155; -185, -220, and -330 as outlined by the State Election Commission in the agency recommendations document.

- SEC Responses to Subcommittee's June 29, 2017 Letter
 - After further study, the SEC recommends a 25-day deadline which would make the voter registration deadline fall on a weekday for elections held on both Tuesdays and Saturdays.
- Bullets from SEC PowerPoint (Agency's Law Change #3):
 - o Deadline to register to vote varies depending on how a person is registering
 - In person books must be closed for thirty days
 - By mail no later than thirty days
 - Online VR if application is received thirty days
 - o Recommend no later than 28 days/closed for 27 days
- Agency Rationale:
 - SEC recommends that the closing of the books and the voter registration deadlines be uniform and twenty-eight days prior to an election. The rationale for the change is to have a voter registration deadline on a week day instead of a weekend, to give greater opportunity for individuals to register to vote, and resolve public confusion. Laws to update include SC Code Ann. § 7-5-150; § 7-5-155; § 7-5-185; 7-5-220; and 7-5-330.
- Other agencies that would be impacted by revising or eliminating the law:
 - SEC states there are no other state agencies that would be impacted by revising the laws.
- See SC Code Ann. Section 7-5-150; -155; -185, -220, and -330 on following pages.

§ 7-5-150. Closing registration books; registration of persons coming of age while books closed.

The registration books shall be closed thirty twenty four days before each election, but only as to that election or any second race of runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided that the registration books shall be closed thirty twenty four days before the June primary and shall remain closed until after the second primary and shall likewise be closed thirty twenty four days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuring election after the discharge of separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of twenty four thirty days shall be entitled to register before the closing of the books if otherwise qualified.

§ 7-5-155. Registration of electors by mail.

(a) Notwithstanding any other provision of law, the following procedures may be used in the registration of elections in additional to the procedure otherwise provided by law.

(1) Subject to the provision of § 7-5-150, any qualified citizen may register to vote by mailing or having delivered a complete state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty twenty five days before any election to his county board of voter registration and elections. The postmark date of a mailed application is considered the day of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of registration books before any election.

(2) If the county board of voter registration and election determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to § 7-5-180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk and the attestation of the elector's signature is not required so long as the conditions set forth above are met.

(3) Any application must be rejected for any of the following reasons:

- (i) any portion of the application is not complete;
- (ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;
- (iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.

(4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to § 7-5-180.

- (b) Every application for registration by mail shall contain spaces for home and work telephones numbers of the applicant and the applicant shall enter the numbers on the application where applicable.
- (c) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in § 7-5-310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

- (d) The original application must remain on file in the office of the county board of voter registration and elections.
- (e) The State Election Commission may promulgate regulations to implement the provisions of this section.

§ 7-5-185. Electronic applications for voter registration.

(A) A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received thirty twenty five days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver's license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant's signature from his driver's license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) An application submitted pursuant to this section must contain the applicant's name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: "I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence." An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver's license or state identification card issued by the Department of Motor Vehicles and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.(E) The State Election Commission may promulgate regulations necessary to effect uate the provisions of this section.

§ 7-5-220. Certificates shall be invalid at election within thirty twenty four days of issuance.

Except as provided in Section 7-5-150, registration made thirty twenty four days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.

§ 7-5-330. Voter registration application; discretionary removal of elector.

(A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than thirty twenty five days before the date of the election.

(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than thirty twenty five days before the date of the election.
(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than thirty twenty five days before

the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than thirty twenty five days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7-5-330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) "Notice", as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than thirty twenty five days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.

Recommendation - Limit the time prior to an election when a candidate may resign for the reasons stated in § 7-11-50 and a time frame for when a substitute candidate may be nominated by updating the SC Code.

- Bullets from SEC PowerPoint (Agency's Law Change #4):
 - o No time limit is specified for candidate withdrawals
 - Potential exists for a candidate to withdraw and push statewide election to December or beyond
 - SEC recommends that a time limit be placed on the time prior to an election when a candidate may resign for a legitimate nonpolitical reason
- Agency Rationale:
 - The Commission recommends that a limit be placed on the time prior to an election when a candidate may resign for legitimate nonpolitical reasons and a time frame for when a substitute candidate may be nominated. The rationale for these changes ensures that overseas citizens and members of the military who are required to be mailed a ballot at least forty-five days prior to an election are able to vote for the replacement candidate in an election.
- Summary of current statutory requirement and/or authority granted:
 - If a party nominee was nominated by a method other than a party primary election dies, becomes disqualified after nomination or resigns for a legitimate non-political reason and sufficient time does not remain to hold a convention to fill the vacancy or to nominate for a special election, the state or county party executive committee many nominate a nominee. Legitimate nonpolitical reasons is limited to: reasons of health which in the written opinion of a physician would harmful to the health of the candidate, family crises including circumstances which would substantially alter the duties and responsibilities of the candidate to the family or family business, and substantial business conflict which would result in ineligibility of the candidate or impair ability to carry out the functions properly of the office. S.C. Code Ann. § 7-11-50 (2007).
- Other agencies that would be impacted by revising or eliminating the law:
 - SEC states there are no other state agencies that would be impacted by revising the law.
- See SC Code Ann. Section 7-11-50 on next page.

§ 7-11-50. Substitution where party nominee dies, disqualified/resigns for nonpolitical reason.

If a party nominee who was nominated by a method other than party primary election dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in this section and sufficient time does not remain to hold a convention to fill the vacancy or to nominate a nominee to enter a special election, the respective state or county party executive committee may nominate a nominee for the office, who must be duly certified by the respective county or state chairman.

"Legitimate nonpolitical reason" as used in this section is limited to:

(a) reasons of health, which include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued;

(b) family crises, which include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business;

(c) substantial business conflict, which includes the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his capability to carry out properly the functions of the office being sought.

A candidate who withdraws based upon a legitimate nonpolitical reason which is not covered by the inclusions in (a), (b) or (c) has the strict burden of proof for his reason. A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his reason by sworn affidavit.

This affidavit must be filed with the state party chairman of the nominee's party and also with the board of voter registration and elections of the county if the office concerned is countywide or less and with the State Election Commission if the office is statewide, multi-county, or for a member of the General Assembly. A substitution of candidates is not authorized, except for death or disqualification, unless the election commission to which the affidavit is submitted approves the affidavit as constituting a legitimate nonpolitical reason for the candidate's resignation within ten days of the date the affidavit is submitted to the commission. However, where this party nominee is unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office is to be filled at the general election. If the nomination is certified less than two weeks before the date of the general election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty-eight day period in the manner authorized by Section 7-13-190(D).

Recommendation - General elections to be held on the first Tuesday of November in odd numbered years by amending S.C. Code Ann. Section 5-15-50 as follows:

Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality. <u>General elections will be held on the first Tuesday of November in odd numbered years</u>. Public notice of the elections shall be given at least sixty days prior to such elections.

- SEC Responses to Subcommittee's June 29, 2017 Letter
 - On next page see a chart of all election types, and additional information.
- Bullets from SEC PowerPoint (Agency's Law Change #5):
 - Municipalities hold elections throughout the year
 - o SEC recommends holding municipal election in November of ODD calendar years
- Agency Rationale
 - SEC recommends that the time for general elections within the municipality be required to be held in November during odd calendar years. The rationale for this change is to avoid any conflict with statewide general elections that are held in during even calendar years, simplify the conduct of elections and provide cost savings for counties and municipalities, improve voter education on the dates of municipal elections, and encourage more participation in municipal elections.
- Summary of current statutory requirement and/or authority granted:
 - Each municipality governing body may by ordinance establish ward lines and time for general and special elections within the municipality.
- Other agencies that would be impacted by revising or eliminating the law:
 - SEC states there are no other state agencies that would be impacted by revising the law.
- Municipal Association (MASC) Letter to Subcommittee (June 28, 2017) summary points
 - MASC supports establishing several annual dates on which municipalities may hold their general elections. MASC agrees that standardization of general election dates would be helpful, but believes cities and towns should be allowed to choose from several dates rather than be forced to use a single date.
 - MASC previously proposed that general elections could be held once per calendar quarter in an even or odd year to provide cities and towns the option to choose a date closest to their current election dates, but MASC is willing to discuss other potential options.
 - Effects of changing election dates MASC believes should be considered:
 - 1) Terms of many elected council members across the state will have to be shortened or lengthened (currently councils choose whether or not to shorten or lengthen their terms when they change their election dates and MASC believes council prerogative should be retained)
 - 2) Councils will need to modify their existing election ordinances to accommodate a new election date, so legislation should allow councils time to modify their ordinances.

	oordinating Entities, and Average (Ava
Election Type	Election Date	Coordinating Entities	<u>Avg.</u> <u>Cost</u>
General Election (President, Governor, US Senate, US House, State Senate, State House, Solictors, countywide and less-than- countywide offices)	First Tuesday after the First Monday in November in each even-numbered year	State Election Commission, County Boards of Voter Registration and Elections	\$3M
Statewide Primaries/Runoffs	Statewide primaries are held on the second Tuesday in June in each even-numbered year. Runoffs are held two weeks following the primaries.	State Election Commission, County Boards of Voter Registration and Elections	\$3.5M
Presidential Preference Primaries	Date set by the political parties	State Election Commission, County Boards of Voter Registration and Elections	\$2.6M
Municipal Elections	Determined by the governing body of the municipality by ordinance (see stats under Additional Information in July 6 response to Committee questions on when most municipal election are held).	Municipal Election Commission or County Board of Voter Registration and Elections (if authority has been transferred under S.C. Code of Laws Section 5-15-145)	Unknown
Public Service Districts	Determined by enabling legislation. Most PSDs are held with the General Election. Some PSDs in Greenville and Spartanburg are held on a different date.	County Boards of Voter Registration and Elections	Unknown
School Districts	Determined by enabling legislation. Most school district elections are held with the General Election. Fourteen school districts hold elections on a date other than the General Election (see stats under Additional Information in July 6 response to Committee questions).	County Boards of Voter Registration and Elections. (Except for one school district in Florence County that conducts its own election in conjunction with an annual public meeting.)	Unknown
Referendums	There are various referendum types. Some are required to be held at the time of the General Election, others can be set at other times according to rules set by law.	County Boards of Voter Registration and Elections, Municipal Election Commissions	Unknown

Election Types, Dates, Coordinating Entities, and Average Costs

Municipal Election Dates and Voter Participation Comparison

Municipal Election Dates and Voter Participation Comparison											
Election Date	Small	Medium	Large								
(updated 6/30/2017)	(Pop. Approx. 1.3K)	(Pop. Approx. 8K)	(Pop. Approx. 23K)								
November - Odd Year											
	28.6%	7.4%	8.4%								
128 or 47% of municipalities	(Due West, 11/3/15)	(Monck's Corner, 11/3/15)	(Easley, 11/3/15)								
November - Even Year											
	43.1%	23.7%	15.6%								
34 of 13% of municipalities	(Johnsonville, 11/4/14)	(Lancaster, 11/4/14)	(Greenwood, 11/8/16)								
Other Date											
109 or 40% of municipalities	5.1% (Elgin, 2/7/17)	14.5% (Seneca, 3/11/14)	8.4% (Anderson, 4/8/14)								

School Boards and Public Service Districts on Dates Other Than November of Even Year

School Boards	14	Affected Counties: Abbeville, Bamberg, Barnwell, Cherokee, Clarendon, Florence, Greenwood, Laurens, Orangeburg, Marion, and Spartanburg
Public Service Districts	20	Affected Counties: Greenville and Spartanburg

Letter from SC Association of Registration and Election Officials, Inc.



DAVID K. ALFORD PRESIDENT EXECUTIVE COMMITTEE

South Carolina Association of Registration and Election Officials, Inc.

June 22, 2017

The Honorable Gary E. Clary, Chairperson Executive Subcommittee Legislative Oversight Committee South Carolina House of Representatives PO Box 11867 Columbia SC 29211

Dear Representative Clary:

In review of some of the submissions and testimony relating to the Legislative Oversight Committee's assessment of the State Election Commission, I would like to submit information on behalf of the South Carolina Association of Registration and Election Officials, Inc. (SCARE) Our professional organization is comprised of local election officials from across the state and part of our purpose is to represent the interests of counties with regard to legislative matters.

Several topics have been mentioned or touched on during the committee's review process of the State Election Commission either through document submission or by way of testimony. I would like to take this time to provide some additional information from an organizational and county perspective, and I thank you for accepting my submission and the kind consideration of its content.

In previous testimony, Marci Andino touched on the matter of funding with regard to the voting system refresh. As she stated, the State Election Commission requested \$7.5 million in funding to refresh the state's aging voting system. Unfortunately, that funding request did not survive the budget process.

Collectively as counties, we cannot emphasize enough the importance of maintaining a dependable and reliable voting system in order to uphold the confidence of the elections process in South Carolina.

In recent months, the Department of Homeland Security designated election systems as part of our nation's critical infrastructure, and the interest in the integrity of our voting system is prominent.

Therefore, we are respectfully requesting continued dialogue with the State Election Commission with regard to proper funding to extend the life of the existing voting system and/or eventual replacement.

In addition to the above topic, we noted that the State Election Commission provided a copy of their Election Date Standardization Plan. SCARE is strongly in support of election standardization for a variety of reasons. By creating limited and standardized dates, the logistics of conducting elections would be better streamlined, and it would create a measure of cost savings to both the state and counties. It would also assist in reducing voter confusion and fatigue and decreasing the strain on facilities and poll workers.

DAVID K. ALFORD PRESIDENT

KATY SMITH FIRST VICE PRESIDENT

MARIE G. SMALLS SECOND VICE PRESIDENT

ADAM HAMMONS TREASURER

JOSEPH DEBNEY SECRETARY

DEBRA BRYANT HISTORIAN

WANDA W. HEMPHILL IMMEDIATE PAST PRESIDENT



DAVID K. ALFORD PRESIDENT EXECUTIVE COMMITTEE

Within the vein of election standardization, we noted the significant measure of questions and discussion regarding Presidential Preference Primaries, filing fees collected, and the offset of costs. We would strongly recommend requiring the political parties to collaborate and choose a uniform date. With all said, we would request your careful consideration of the standardization plan submitted by the State Election Commission and encourage conversation and potential legislative action in this area.

of Registration and Election Officials, Inc.

In conclusion, should you desire a representative(s) to appear and provide testimony on these topics, please do not hesitate to ask. Furthermore, should you wish for us to testify on other election related matters or our role as county election officials, please let us know. Counties are the linchpin of elections in South Carolina; however, we could not subsist without the partnership and support of the State Election Commission. We are all committed to working collectively together to better serve the voters of South Carolina.

DAVID K. ALFORD PRESIDENT

KATY SMITH FIRST VICE PRESIDENT

MARIE G. SMALLS SECOND VICE PRESIDENT

ADAM HAMMONS TREASURER

JOSEPH DEBNEY SECRETARY

DEBRA BRYANT HISTORIAN

WANDA W. HEMPHILL IMMEDIATE PAST PRESIDENT With Kindest, Regards,

South Carolina Association

David K. Alford President



South Carolina Association of Registration and Election Officials, Inc.

Proposed 2017-2018 Legislative Priorities

Improve Voter Experience

Reduce Lines

- Allow early voting and/or no excuse absentee voting.
- Reduce length of ballot by allowing the listing of only ballot question short titles with "Yes" "No" selections for ballot questions. Text, content, summary and/or explanation would be published prior to Election Day and at polls through educational materials.

Recruit Adequate Number of Poll Workers

- Allow SC registered voter to serve as a poll worker anywhere in South Carolina.
- Increase poll worker pay.

Improve Absentee Voting Process

- Delete witness signature on mail-in absentee ballots.
- Allow permanent absentee status for some reasons. (e.g. over 65, physically disabled).
- Allow for the processing of mail-in absentee ballot envelopes the day prior to the election not to
 include the tabulation and reporting prior to 7 p.m. Election Day.

Funding

- Fully fund refurbishment of current voting system and establish fund for the replacement of the voting system
- Conduct Presidential Preference Primaries on same day.

Election Law Review

 Require municipal general elections to be held in November of odd years and establish uniform and standardized election dates for other election types.

State of Emergency

Authorize and/or clarify authority to postpone elections in the event of an emergency.

Letter from Municipal Association of South Carolina



1411 Gervais Street, P.O. Box 12109 Columbia, SC 29211 tel: 803.799.9574 fax: 803.933.1299 www.masc.sc

Advocacy, Service, Innovation,

June 28, 2017

Hon. Gary Clary Chair Executive Subcommittee House Legislative Oversight Committee PO Box 11867 Columbia, SC 29211

VIA EMAIL

Dear Rep. Clary:

As we discussed during the Executive Subcommittee meeting held on June 27, 2017, the Municipal Association of South Carolina supports the concept of establishing several annual dates on which municipalities may hold their general elections.

Currently, cities and towns across the state hold their general elections throughout the year. While those dates were chosen for a variety of reasons, the Municipal Association recognizes the confusion those varying dates may cause for residents. The Association agrees that standardization of general election dates would be helpful, but cities and towns should be allowed to choose from several dates rather than be forced to use a single date.

The Association has previously proposed that general elections could be held once per calendar quarter in an even or odd year. This would provide cities and towns the option to choose a date closest to their current election dates. The Association is certainly willing to discuss other potential options and reach agreement on dates that would satisfy as many stakeholders as possible.

Keep in mind that changes to election dates will have several effects that should be considered by any potential legislation. First, the terms of many elected council members across the state will have to be shortened or lengthened. Currently, councils choose whether or not to shorten or lengthen their terms when they change their election dates. That council prerogative should be retained. Additionally, changes in election dates will require councils to modify their existing election ordinances to accommodate a new date. Therefore, any new legislation's effective date must be set to allow councils time to modify their election ordinances.

On behalf of the state's 270 cities and towns, the Municipal Association stands ready to assist you and the subcommittee with your work on this important issue. Please do not hesitate to contact us going forward.

Sincerely,

Signature Redacted

Scott Slatton Legislative and Public Policy Advocate **Recommendation -** Analyze whether the election of school trustees should require a primary and if a primary is still to be conducted, having non-partisan primaries during odd calendar years to provide uniformity in the election of the trustees and to avoid voter confusion on primary day for the general election as all other ballots issued to voters are based upon party preference expressed by the voter at the polls.

- SEC Responses to Subcommittee's June 29, 2017 Letter
 - The SEC is aware of only one school district that holds a non-partisan primary. Kershaw holds their non-partisan primary on the same day as the statewide primaries (the second Tuesday in June of even-numbered years).
- Bullets from SEC PowerPoint (Agency's Law Change #6):
 - o School trustees for Kershaw County
 - Non-partisan primary held on same day as partisan primaries (June)
 - SEC recommends not holding a non-primary or moving non-partisan primary to another date
- Agency Rationale
 - SEC recommends that the election of trustees not require a primary which is the majority method of the election of trustees for a Board of Education in South Carolina. Most elections of School District Trustees include a non-partisan filing period with candidate placement on the general election ballot. If a primary is still to be conducted, the Commission recommends that the non-partisan primary be held during odd calendar years. The rationale for the change is to provide uniformity in the election of the trustees and to avoid voter confusion on primary day for the general election as all other ballots issued to voters are based upon party preference expressed by the voter at the polls.
 - Law at issue: Act No. 930
- Summary of current statutory requirement and/or authority granted:
 - The Kershaw County public education system shall be a board of trustees composed of nine members, be elected for terms of four years. All candidates for the office of the board of trustees shall run in a non-partisan primary to be conducted at the same time of the other county primary elections are held.
- Other agencies that would be impacted by revising or eliminating the law:
 - SEC states there are no other state agencies that would be impacted by revising the law.
- See Act No. 930 of 1970 on next page.

Act No. 930 of 1970. An Act to provide for the School Trustees for Kershaw County

AN ACT TO PROVIDE FOR THE SCHOOL TRUSTEES FOR KERSHAW COUNTY; TO PROVIDE FOR THEIR POWERS AND DUTIES; TO PROVIDE FOR ADVISORY TRUSTEES AND TO REPEAL SECTION 21-3151 THROUGH 21-3157, CODE OF LAWS OF SOUTH CAROLINA, 1962, RELATING TO THE SCHOOL SYSTEM OF KERSHAW COUNTY.

Section 1. School trustees for Kershaw County.-The central authority of Kershaw County's public educational system shall be a board of trustees composed of nine members, to be elected for terms of four years from the county at large, but who shall be residents of the respective townships and have their offices numbered as follow: one member from Flat Rock, Seat No. 1; two members from Buffalo, Seats Nos. 2 and 3; two members from West Wateree, Seats Nos. 4 and 5; and four members from DeKalb, Seats Nos. 6, 7, 8 and 9. Full terms shall commence on the first Tuesday in January following the election. Each candidate shall run for a specified numbered office and shall be a resident of the township to which such number is assigned. All candidates for the office of the board of trustees shall run in a nonpartisan primary to be conducted by the county election commission at the same time as other county primary elections are held. The expenses of such election shall be borne by the county. Each candidate in the primary shall be required to pay a filing fee to the election commission in such sum as it may determine, but not to exceed one hundred dollars. All of such fees shall be deposited to the general fund of the county. The two candidates receiving the most votes for each seat who did not withdraw shall have their names placed on the general election ballot and the person receiving the highest number of votes for each seat in that election shall be declared elected. *Provided*, that in the event a candidate receives a majority of the votes cast in the primary, only his name shall be placed on the general election ballot. There shall be no petition candidate for any of these offices in the general election, and no person shall be a candidate for more than one such office at any one election; but nothing herein shall be construed to prohibit a qualified individual from running as a "write-in" candidate in the general election.

In the event the person receiving the most votes in the primary ceases to be a candidate for any reason, another primary shall be ordered if as much as forty-five days remain between such cessation and the general election. In the event such time does not exist, no election for such office shall be held at the time of the general election. Another election for such office shall be held on the first Tuesday of the month following the general election. Any person wishing to be a candidate for such office may qualify with the county election commission not later than April fifteenth. In the event no candidate in this election receives a majority of the votes cast, and additional election shall be conducted two weeks thereafter between the two candidates receiving the most votes who do not withdraw.

All members of the board of trustees shall be commissioned by the Governor.

All vacancies on the board of trustees shall be filled by a majority vote of the county council for the unexpired portion of their terms. If a seat is unfilled as a result of no one offering for such seat it shall be filled by a majority vote of the county council.

Section 2. Advisory board.-An advisory board shall be appointed by the Kershaw County Board of Trustees. The advisory board shall be composed of five members from each school in the county, except the Kershaw County Vocational School, who shall serve for terms of two years; the Camden Elementary, the Camden Junior High and the Camden High Schools each having five advisory members. *Provided*, that the provisions of this act shall not apply to the two Kershaw County residents serving as trustees of the Andrew Jackson High School of Lancaster County.

The advisory board shall organize as soon after the appointment of its members as practicable by electing a chairman and such other officers as it may deem necessary.

The advisory board shall meet as often as it may deem necessary, but not less than twice each year, and shall advise from time to time the board of trustees on matters relating to the public schools in the county.

Section 3. Continuation of present members.-Notwithstanding the provision of Section 1, the current members of the Board of Trustees of Kershaw County shall continue to serve through the first Monday in January 1971.

Section 4. Terms of initial members.-Notwithstanding the provisions of Section 1, the initial terms of those members elected to the even-numbered seats shall be for a terms of two years and for a terms of four years thereafter.

Section 5. Meetings-compensation.-The Kershaw County Board of Trustees shall meet on the first Tuesday of January, 1971, at 10:00 A.M. and on such date of each year thereafter and elect one of its members chairman for a term of one year, and another as vice chairman for a like period.

The board shall hold regular meetings at least once each month, and any special meeting it may deem necessary; all meetings shall be open to the public unless the board by a majority vote thereof deems it necessary to meet in executive session for such meeting or any part thereof. Six members shall constitute a quorum at all meetings.

Members of the board shall receive twenty-five dollars for their attendance at each meeting plus mileage as provided by law for members of boards, commission and committees, et cetera, for travel expenses incurred; such funds to be paid from the general Kershaw County school funds.

Section 6. Administrator.-The Kershaw County Board of School Trustees shall employ an administrator for the operations of schools of the county, who shall be knowledgeable in the operations of schools.

The term of office for the administrator shall be determined by the board in making a contract with him, but he shall not be hired for terms to exceed four years. The salary and expenses of the administrator shall be fixed in his contract. The administrator shall be the secretary and executive officer of the board. It shall be his duty to effectuate the policies of the board and to recommend to the board from time to time such changes in procedure and policy as he feels will improve, effectuate and carry out the policies of the board; constantly keeping in mind the financial economy of the individual taxpayer of the county and of the school district.

- (a) The administrator shall nominate all staff members and other personnel necessary to carry out the policies of the Kershaw County School Board of Trustees.
- (b) Assign all personnel employed.
- (c) All supplies necessary or incidental to the operation of the schools of the county shall be obtained by the board from the State purchasing agency unless such supplies can be obtained elsewhere at a lower cost by bid, except that all contracts for services and reports shall be obtained from whatever source that is approved by a majority of the board of trustees.
- (d) Prepare an annual budget for the approval of the board with as much detail as possible therein being published some thirty days prior to the presentation of such to the board for its approval.

Section 7. Powers and duties.-The Board of Trustees for Kershaw County shall have the following duties and powers relative to the public school in the county.

- 1. Upon nomination by the administrator to employ all personnel necessary for the efficient operation of the schools except as otherwise provided in this act.
- 2. To adopt administrative policies.
- 3. After the fiscal year 1970-1971 to fix all local supplements for teachers and incentive salary schedule for the teachers of Kershaw County; *provided*, however in no way can the local supplement to teacher's salaries or the incentive salary schedule for teachers in the county be reduced below the monetary compensation received by such teachers for the fiscal year 1970-1971.
- 4. To plan and construct new buildings.
- 5. To issue from time to time general obligation bonds of the district to construct and repair buildings and pledge capital outlays from State, Federal and local tax sources for their repayment.
- 6. To operate a building, maintenance and repair program.
- 7. To issue, with the approval of a majority of the county council, short term notes in anticipation of taxes and state aid funds which note or notes shall mature not later than one year from the date thereof.
- 8. To excuse the right of eminent domain in securing necessary property, and in the exercise of such rights the board shall follow as near as practical the procedure prescribed for condemnation by municipal corporations.
- 9. To determine and evaluate the education program.
- 10. To assume all duties and authority delegated to county boards of education under the general provisions of law.
- 11. To contract for services, equipment and supplies in the operation of Kershaw County School system as heretofore set out under the duties of the administrator of schools for the county.
- 12. To have prepared and published in a local newspaper, not more than ninety days from the end of each fiscal year, an audit prepared by a C.P.A. as to the operation of the public schools of Kershaw County.
- 13. To keep an accurate record of all board proceedings; which shall be at all times open to the public.
- 14. To direct a continuing school census.
- 15. To fix the length of the school term.
- 16. To conduct from time to time surveys and studies as to the curriculum of the Kershaw County Schools, their supervisory programs, auxiliary services, always keeping in mind the application of the surveys, studies, or reports which may be for the best educational interest of the students, Kershaw County, and the financial interest of its taxpayers.
- 17. To arrange with adjoining counties for the interchange of pupils or educational services.

Section 8. Tax levy.-The Kershaw County Board of School Trustees shall each fiscal year after 1970-1971 set a tax levy to be applied uniformly to all property in Kershaw County, which in its opinion will guarantee an adequate program of public school education to all children in the county. The levy so imposed by the board shall be entered by the county auditor and collected by the county treasurer in the same manner as other taxes on property. Proceeds of this levy shall be credited by the county treasurer to the board and the county treasurer shall pay out all of such funds only on special vouchers prepared for this purpose and carrying the signature of the chairman of the Kershaw County School Board of Trustees or the vice chairman of the board, together with the signature of the administrator of schools for Kershaw County each of whom shall be bonded in the amount of five thousand dollars; *provided*, however, the board shall not increase ad valorem taxes for the operation of the Kershaw County school system without the approval of a majority of the county council.

This does not include millage necessary for the retirement of bonds for capital improvement, notes or obligations, previously voted on and approved by the voters of Kershaw County.

Section 9. Repeal.-Sections 21-3151 through 21-3157 of the 1962 Code are repealed.

Section 10. Time effective.-This act shall take effect upon approval by the Governor.

Approved the 13th day of March, 1970.

Training of County Voter and Election Board Members

Recommendation - Require each County Election Board Member participate in an orientation approved by the State Election Commission within thirty days of the individuals appointment to the County Board of Voter Registration and Elections; failure of which requires removal of the member by the Governor; by updating SC Code Section 7-5-10(D)(1) and (2).

• See SC Code Section 7-5-10 below.

§ 7-5-10. Appointment of board members; previous offices abolished; training/certification.

(A)(1) The Governor shall appoint, upon the recommendation of the legislative delegation of the counties, competent and discreet persons in each county, who are qualified electors of that county and who must be known as the "Board of Voter Registration and Elections of ______ County". The total number of members on the board must not be less than five nor more than nine persons. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26, Article III of the Constitution: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee immediately shall notify the Governor who shall then remove the member from office.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board must hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board. A member of the board must not be hired or serve as a member of the staff while serving as a board member.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions, voter registration boards, or combined boards are abolished. The powers and duties of the county election commissions, voter registration boards, or combined boards are devolved upon the board of voter registration and elections for each county created in subsection (A). Those members currently serving on the county election commissions, voter registration boards, or combined boards shall continue to serve in a combined governing capacity until at least five members of the successor board members established under this section are appointed and qualify.

(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member's initial appointment or his reappointment following a break in service, or within eighteen months after a staff person's initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.

HISTORY: 1962 Code Section 23-51; 1952 Code Section 23-51; 1950 (46) 2059; 1967 (55) 634; 1970 (56) 2337; 1988 Act No. 422, Section 1, eff March 28, 1988; 1996 Act No. 465, Section 1, eff August 21, 1996; 1998 Act No. 304, Section 1, eff May 27, 1998; 2007 Act No. 100, Section 1, eff June 18, 2007; 2014 Act No. 196 (S.815), Section 3, eff June 2, 2014.

Voter Registration and Database (not county boundary related)

Recommendation - Revise the mailed and in-office voter registration applications to include a "Yes" and "No" box beside each voter eligibility qualification, similar to the boxes that currently appear by the "Are you 18?" and "Are you a U.S. Citizen?" to ensure it is clear to those registering that they are saying yes to each qualification.

• Sample Voter Registration Applications on following pages.

Voter Registration Applications

SOUTH			OTER RI	EGIST	RATIO	N	SOUTI	H CARO	ISSION	Registra	tion Number]
Are you a citizen of the United States of America? Yes □ No □ Will you be 18 years of age on or before election day? Yes □ No □ If you checked 'NO' in response to either of these questions, DO NOT complete this form. Check One: Last First												
NAME	Last	First MI									Suffix	
SEX	Male	RACE	RACE Black/African Asian Hispanic American Specify SOCIAL SECURITY N									L **
	RESS E YOU	Street					Apt Nun	ıber	I Yes		ty Limits No □	
LI	VE Address)	City					State	Zip Code		you like to	be a poll worl	ker?
	LING RESS	Street or P	ost Office Box						•			
(if dif	fferent above)	City					1	State	Zip Code			
BIRTH	IDATE	Month	Day	Z	'ear	PH	HONE #	Home ()		Work		
PREV. REGISTRAT		Precinct		C	ounty		St	ate	Pre	vious Name	e	
REGISTRATION/NAME Voter Declaration - (read and sign below) I swear or affirm that: -I am a citizen of the United States of America -I will be 18 years of age on or before Election Day -I am a count or declaring me mentally incompetent -I am not under a court order declaring me mentally incompetent -I am not confined in any public prison resulting from a conviction of a crime -I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction -the address listed above is my only legal place of residence, and I claim no other place as my legal residence											n of the to local abel the 	
by law sh ID Requi statement be require Merchant ** Social												
				For Vote	r Registrat	ion E	Board Us	e Only			scVOTE	S.org
Appro	oved 🗌 Di	sapproved l	by				(M	ember, Voter Re	gistration Bo	ard) Date		

Registration Number

STATE OF SOUTH CAROLINA Application for Voter Registration

Social Security Number is required by the S.C. Code of Laws and is used for internal purposes only. Social Security Number does not appear on any report produced by the State Election Commission nor is it released to any unauthorized individual.

NAME	Last					First					м	Suffix
(TEV	Male 🗌		CT Wh		'African rican Asian	Hispanic	Other Specify			SOCIAI	L SECURIT	Y NUMBER
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(if diffe from ab	erent	City				The		L.	State	Zip Code		
BIRTHI	DATE	Month	Day	Year	PHONE	# Home	400 /	<u>59</u>	RO SS	Work		
PREVI REGISTR	000	Precinct			County		12/		State			

I am not under a court order declaring me mentally incompetent or confined in any public prison.

I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction.

I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of the State of South Carolina, this county and of my precinct. I further swear (or affirm) that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence.

Signature of Applicant

Whoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Sworn to and subscribed before me this	day of	, 20

Member, Deputy Member or Clerk of Registration Board

For Registration Board Use Only

City	Mail City	MallCo	Toppedie	Presient	House	Secula	Co Comeil	School	City Cod	Cone	Watershed	
City	man cay	man co.	rownaup	riterier	1101406	CALIBRE	Co. Council	041001	City Cite.	cong	Waterstoo	<u> </u>
	June 27		ting Packet									
	Dage 4	8 - 4 5 2										

Agency Code

920

STATE OF SOUTH CAROLINA

Registration Number

Application for Voter Registration

Social Security Number is required by the S.C. Code of Laws and is used for internal purposes only. Social Security Number does not appear on any report produced by the State Election Commission nor is it released to any unauthorized individual.

CHE			New regi	stration in	county				Change in cu	irrent regis	tration		
NAME	Last					First					MI	Suffix	
SEX	Male (Female (RA	CE	hite B	lack/African American	Asia		panic	Other (Specify)	SO	CIAL SE	CURITY	NO.
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	IVE	City						St	ate	Zip Cod	•		
ADI	ILING DRESS		or Post Offi	ce Box								Apt N	lumber
	fferent above)	City						St	ate	Zip Cod	e		
	HDATE	Month	Day	Year	PHON	NE H	ome			Work			
	Vious Tratio	Precin N	ct			C C	ounty					State	
Voter Declaration - Read and Sign Below I swear or affirm that: -1 am a United States citizen. -1 will be at least 18 years old on or before the next election. -1 am a resident of South Carolina, this county and precinct. -1 am not under a court order declaring me mentally incompetent. -1 am not confined in any public prison resulting from a conviction of a crime. -1 have never been convicted of a felony or offence against the election laws OR if previously convicted. I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction. -The address listed above is my only legal place of residence and I claim no other place as my legal residence. Signature Date of Application Whoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense. If you decline to register to vote, that decision will remain confidential and be used only for voter registration purposes. If you register to vote, information regarding the office in which the application was submitted will remain confidential, again, to be used only for voter registration purposes.													
City	Mail City	Mail Co.	Township	Precinct	House	Senate	n Board Co. Council	School	City Council	Cong.	Watershed	Reg Loc	Misc
												920	
Rejec													
	oved By		Memb	er, Board o	of Voter Regi	stration			-	Date			
	June 27, Page 47	2017 Meet of 52	ing Packet							EV	ERY VOTE	MATTERS.	

Recommendation - Update internal operations at the State Election Commission (SEC) to ensure the SEC receives notification when a Court deems an individual mentally incompetent from Probate Court Judges, or other entities, such as SLED, which the Courts notify, so the agency may update the voter registration database and move those individuals deemed mentally incompetent from active to inactive status.

- SEC Responses to Subcommittee's June 29, 2017 Letter
 - The SEC is working with Court Administration and SLED to determine what entity, if any, has a comprehensive list of individuals deemed mentally incompetent by the courts. As of this response, the responsible party has not been identified.

County Boundaries - Background Information

Current Process for Geographically Positioning Ill-defined, Unmarked, or Poorly Marked County Boundaries

Coun [.]	•	hdary lines set in state law eral Assembly describes county boundary lines in statute.
Ti		Passage of time and growth in society has led to confusion over locations of county boundary lines described in statute. (2014 Act No. 262, Section 1 (A)(2))
	Tech •	nology exists to provide permanent markers of boundary linesUGeneral Assembly tasks SCGS with geographically positioning the County BoundaryNLines described in statute whenever anyone believes a county boundary is ill- defined, unmarked, or poorly marked. (SC Code Section 27-2-105(A)(1))D
P R O C E S S		 A portion of the county boundary currently in state law is geographically positioned onto a plat SCGS works with county personnel to analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with current statutory descriptions. (SC Code Section 27-2-105(A)(1)) (See SCGS Informal Policy attached) County plat with geographical positions for the county boundaries will be drafted, signed and sealed by a licensed South Carolina Professional Land Surveyor, and approved by the Chief of the SCGS. (SC Code Section 27-2-105(A)(4))
		 Backup notifications ensure all impacted know, if they didn't already, and have chance to disagree Within 30 days of the Chief of SCGS approving the county plat with geographical positions for the county boundary, SCGS will provide the following: (SC Code Section 27-2-105(A)(3)&(B)(1)-(4)) copies to the administrator of each affected county; notice and copies to the public through its official website and/or other means it considers appropriate; and written notification to affected parties, which include: (1) governing body of an affected county; (2) governing body of a political subdivision of the state; (3) elected official, other than a statewide elected official; (4) property owner or an individual residing in the certification zone (send certified letter to these people); (5) business entity located in the certification zone; and (6) nonresident individual who owns/leases real property situated in the certification zone. (See #1 - #4 on attached pages) An affected party that disagrees with the geographic positioning of the county boundary described in statute, may file request for a contested case hearing with the SC Administrative Law Court (ALC) within 60 days of receiving notice. The party may appeal the decision of the ALC if they desire.
		 Geographic positions of the portion of the county boundary currently in state law takes effect When the plat is no longer subject to appeal, the Chief of the SCGS shall provide the geographically positioned map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the cover letter is the date the boundary takes effect. (SC Code Section 27-2-105(B)(5)-(6))
		 State Code updated to reflect the geographic positions of the entire county boundary When all portions of a county boundary are resolved, the SCGS shall prepare a unique boundary description and forward that description in a form suitable for the General Assembly to amend all of the boundaries for a county.SC Code Section 27-2-105(B)(7))

G E O G R A P H I C A L

P S I T I O N I N G

different than those set in statute, the counties may adjust the boundaries set in statute through annexation.

SCGS Informal Policy

Prior to SCGS starting their work, SCGS notifies the administrators of the effected counties. The county administrator will create a delegation of other officials to work with the SCGS on the project. If assistance from the county is provided, it is done so as a mutual agreement between the county administrator and the SCGS. The SCGS will work to collect historical land records for documentary evidence of boundaries and perform fieldwork to locate monuments and corroborating evidence and position on State Plane Coordinates.

When SCGS has preliminary findings regarding the boundaries, SCGS shares these findings with the county administrator and delegation. This information is shared to identify any impacts to property owners. If property owners are impacted by the clarification of the boundary, a collaborative decision is made between the SCGS and the counties on the necessity of a public meeting. Letters of notification are sent to the impacted individuals. Contained within the letter is the purpose and explanation of the project, and the time, date, and location of the public meeting. This will be done prior to SCGS certifying a final plat of survey.

Once county delegations and county councils are satisfied that all issues have been resolved, the SCGS completes the project by certifying the plat of the clarified county boundary. At that time, the certified plat is provided to the appropriate parties pursuant to SC Code Section 27-2-105(A)(3) (i.e., copies to administrators, written notification to affected parties, etc.). When an affected party receives this written notification, said party has 60 days to file an appeal and request for a contested case hearing with Administrative Law Court (ALC). After the 60 day filing process ends, and if no appeals are filed, a cover letter from the Chief of the SCGS is signed identifying the project as complete. The certified plat of survey, along with the cover letter, is submitted to the SC Secretary of State, each county's Register of Deeds Offices, and the SC Department of Archives.

<u>#1 - Non-Impact Notification sent via U.S. Mail</u>

SCGS classifies property owners as "non-impact" when they are minimally affected, their residence or business is not found to be in the adjacent county or the majority of their property is not found to be in the adjacent county. Those that will not experience any change to their circumstances. SCGS generally works with the counties to determine who is not impacted and who is significantly impacted.

Sample Letter

SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

FRANK A. RAINWATER Executive Director

June 13, 2017

Re: 400 Old Island Ford Road, Spartanburg County: TMS/PID 2-08-00-076.00

Dear Sir or Madam,

CHAD WALLDORF, Chairman

HOWELL CLYBORNE, JR.

EMERSON F. GOWER, JR.

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

Please consider this letter the official notification that the re-established survey has been certified as of June 13, 2017. The certified plat of this re-establishment survey may be found on the <u>SCGS</u>' website:

<u>http://rfa.sc.gov/geodetic/cb_projectlist/cherspar</u> and at the respective counties Assessor's office. If you would like to review the plat, in person, please call those offices to schedule an appointment; Cherokee: (864)487-2552 and Spartanburg: (803)684-8526.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm.

The reason for this letter is two-fold:

The first reason is to inform you of how the re-established Cherokee-Spartanburg boundary will/might affect you as a property owner. Included, with this letter, is an aerial photograph showing your property, the re-established Cherokee-Spartanburg county line and the parcel (property) lines used by each county.

For the property referenced in this letter, we perceive no significant impacts. A significant impact is defined as a residence or place of business being found in a different county based on the proposed re-established boundary.

The second reason is to inform you that you may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the <u>SCGS</u> or their consultants, and then the ACL will render a ruling.

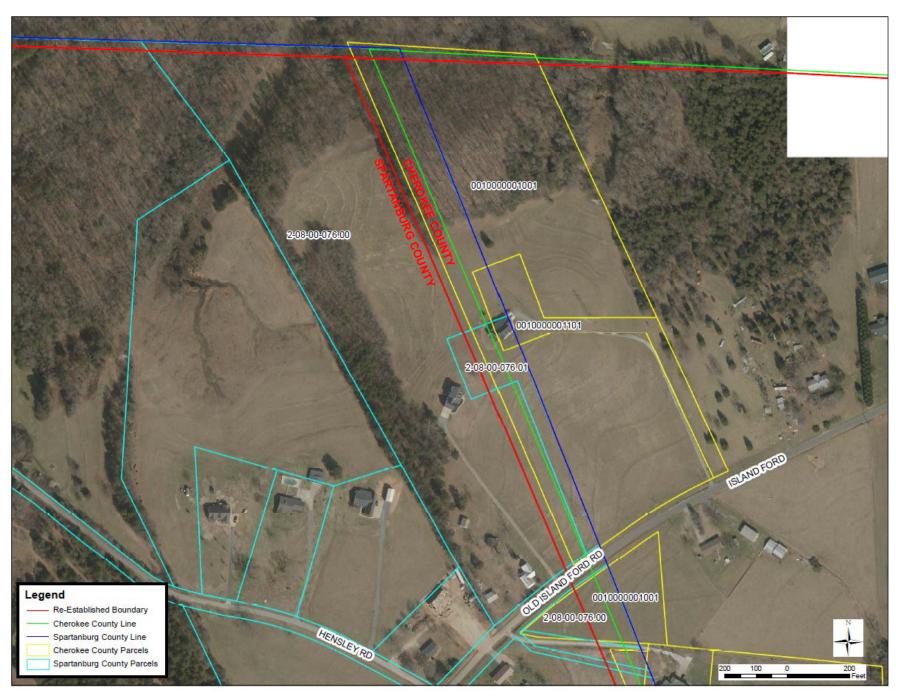
Contact information for the ALC is:

South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201 Voice: (803) 734-0550; Fax (803) 734-6400; Website: <u>http://www.scalc.net/</u>

If you own several parcels along the re-established boundary, you may receive several letters from this agency. Please let us know if you are not the current owner of this property. If any of this property is leased, using the contact information below, please provide us with the name and address of the current tenants of this property.

Cordially,

David K. Ballard, PLS Manager, County Boundary Program SC Geodetic Survey 5 Geology Road Columbia, SC 29212 (803) 896-7710; Email: david.ballard@rfa.sc.gov



The above information was verified as accurate by Revenue and Fiscal Affairs via email on July 12 and 18, 2017.

#2 - Significant Impact Notification sent via Certified Mail, Return Receipt Requested

SCGS classifies property owners as "significant impact" whey they are found to be in the adjacent county or the majority of their property is found to be in the adjacent county. SCGS generally works with the counties to determine who is not impacted and who is significantly impacted.

Sample Letter

SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

FRANK A. RAINWATER Executive Director

ary 12 ana .

June 13, 2017

Re: 284 Green Valley Dr, Spartanburg County: TMS/PID 2-19-00-197.00

Dear Sir or Madam,

CHAD WALLDORF, Chairman

HOWELL CLYBORNE IR

EMERSON F. GOWER, JR.

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

Please consider this letter the official notification that the re-established survey has been certified as of June 13, 2017. The certified plat of this re-establishment survey may be found on the SCGS' website:

http://rfa.sc.gov/geodetic/cb_projectlist/cherspar and at the respective counties Assessor's office. If you would like to review the plat, in person, please call those offices to schedule an appointment; Cherokee: (864)487-2552 and Spartanburg: (803)684-8526.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm.

The reason for this letter is two-fold:

The first reason is to inform you of how the re-established Cherokee-Spartanburg boundary will/might affect you as a property owner. Included, with this letter, is an aerial photograph showing your property, the re-established Cherokee-Spartanburg county line and the parcel (property) lines used by each county.

For the property referenced in this letter, it appears that there is or may be a significant impact. A significant impact is defined as a residence or place of business being found in a different county based on the proposed re-established boundary.

The second reason is to inform you that you may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the SCGS or their consultants, and then the ACL will render a ruling.

Contact information for the ALC is:

South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201 Voice: (803) 734-0550; Fax (803) 734-6400; Website: <u>http://www.scalc.net/</u>

If you own several parcels along the re-established boundary, you may receive several letters from this agency. Please let us know if you are not the current owner of this property. If any of this property is leased, using the contact information below, please provide us with the name and address of the current tenants of this property.

Cordially,

David K. Ballard, PLS Manager, County Boundary Program SC Geodetic Survey 5 Geology Road Columbia, SC 29212 (803) 896-7710; Email: <u>david.ballard@rfa.sc.gov</u>



The above information was verified as accurate by Revenue and Fiscal Affairs via email on July 12 and 18, 2017.

#3 - Agency Notification sent via Email

When the first county boundary line was being geographically positioned the Director of Revenue and Fiscal Affairs sent an email to all State Agency heads and asked if they would like to be notified directly or would assign someone as a point of contact. Some agencies responded that they did not want notification.

The list of agencies that wanted notification, and are provided notification, are as follows: (1) Department of Social Services); (2) State Election Commission; (3) Judicial Department; (4) Department of Transportation; (5) University of South Carolina; (6) Clemson University; (7) SC Forestry Commission; (8) SC Commission on Indigent Defense; (9) SC Patients' Compensation Fund; (10) SC Conservation Bank; (11) Department of Corrections; (12) State Law Enforcement Division (SLED); (13) Court Administration; and (14) Department of Disabilities and Special Needs.

Sample Email

Mon 7/3/2017 11:30 AM

Ballard, David <David.Ballard@rfa.sc.gov>

Certification of the Re-establishment of a portion of the Cherokee Spartanburg and Cherokee York Boundaries

Derrick, Barbara; Leach, Brian; Chief Justice-elect Donald Beatty; Hall, Christy; Derrick Huggins; Emily Watts (wattsek@scdot.org); Gerald Vander Mey ; Harry Blount; Snider, Howard; Ryan, Hugh; James D. Scurry;
 Jeffrey L. Baumann; John Harmon; Laura Haselden; Brown, Lawrence; Paul Magargle; Randy B. Bradley; Richard Lacy; Rosalyn Frierson; Sharon Scott; Tanya DeOliveira; Coston, Terry; Terry Parham; Tom Osmer; Waring, Tom;
 Yelena Kalashnikova

Cc Rainwater, Frank; Wellslager, Matt

Dear Sirs or Madams,

The South Carolina Geodetic Survey (SCGS), a section of the Revenue and Fiscal Affairs Office (RFA), was authorized via Act 262 of 2014 to clarify and monument the locations of county boundaries as they are defined in SC Code of Laws. A letter from the Executive Director of the Revenue and Fiscal Affairs Office (RFA) was sent to your agency's director asking if they, or someone within your agency, should be notified when sections of county boundaries have been re-established/clarified. If a reply in the affirmative was received by us, you were added to a group mail out list for notification.

Please consider this the official notice to "Affected Parties," as required by the SC Code of Law; Section 27-2-105. A section of boundary between Cherokee and Spartanburg Counties and Cherokee and York Counties has been re-established and the plats of survey have been certified by a contractor working for the SCGS and by the SCGS. A public meeting was held in the Spartanburg Count; Chambers on April 6th, regarding the Cherokee/Spartanburg boundary and it went well. SCGS and county officials were able to address the concerns of the citizens that were present, the biggest concern being if resident's children will be able to continue going to their present schools. The adjacent school districts were able to work out a solution to allow the children to continue attending classes in their current school districts until graduation. Also, A public meeting was held in the Cherokee County Council Chambers on May 18th, regarding the Cherokee/York boundary and it went well.

Jurisdictionally there were approximately 20 significant impacts or changes of residences or buildings from one county to another on the Cherokee Spartanburg section. There were around 9 on the Cherokee York section.

The certified surveys, presentation, and historical information have been posted:

Cherokee Spartanburg-Cherokee Yorkhttp://rfa.sc.gov/geodetic/cb_projectlist/cherspar http://rfa.sc.gov/geodetic/cb_projectlist/cheryork

You may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the SCGS or their consultants, and then the ACL will render a ruling.

Contact information for the ALC is:

South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201 Voice: (803) 734-0550; Fax (803) 734-6400; Website: <u>http://www.scalc.net/</u>

You are welcome to contact me to discuss this boundary.

David K. Ballard, PLS South Carolina Geodetic Survey 5 Geology Rd Columbia, SC 29212 803.896.7710 (Office) 803.466.7999 (Mobile) david.ballard@rfa.sc.gov http://rfa.sc.gov/geodetic

#4 - Elected Officials Notification sent via U.S. Mail

Elected Officials notified include: (1) Senator(s); (2) Representatives; (3) Clerks of Court; (4) County Council Members; (5) County Treasurers; (6) School District Board Members; (7) Sheriff; (8) Coroner; (9) Solicitor; (10) State Treasurer; and (11) State Auditor.

Sample Letter

REVENUE AND FISCAL AFFAIRS OFFICE

July 5, 2017

Re: Re-establishment/Clarification of a Portion of the Cherokee/Spartanburg County Line

Dear Jackie Williams, Treasurer

EDWARD B. GRIMBALL, Chairman

HOWELL CLYBORNE, JR.

EMERSON F. GOWER, JR.

The South Carolina Geodetic Survey (SCGS), a section of the Revenue and Fiscal Affairs Office, has begun a systematic program to re-establish South Carolina's county boundaries in accordance with the statutory descriptions. Throughout the state of South Carolina there is uncertainty and misinformation regarding the location of county boundaries, causing confusion about jurisdiction.

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm. SCGS and county officials were able to address the concerns of the citizens that were present, the biggest concern being if resident's children will be able to continue going to their present schools. The adjacent school districts were able to work out a solution to allow the children to continue attending classes in their current school districts until graduation

Jurisdictionally there were approximately 20 significant impacts or changes of residences or buildings from one county to another on the Cherokee Spartanburg section.

Please consider this the official notice to "Affected Parties," as required by the South Carolina Code of Law §27-2-105. The re-established survey has been certified as of June 13, 2017. The certified surveys, presentation, and historical information have been posted on the SCGS' website: http://rfa.sc.gov/geodetic/cb_projectlist/cherspar. Anyone who disagrees with the certified surveys may appeal this determination to the Administrative Law Courts pursuant to \$27-2-105.

If you have any questions, please feel free to contact us.

Cordially.

David K Ballard PLS Manager, County Boundary Program SC Geodetic Survey 5 Geology Road Columbia, SC 29212 (803) 896-7710 Email: david.ballard@rfa.sc.gov

COTH CAROLINE SOUTH CAROLINA



Who has the Official County Boundary Map?

I: RFA has Official Map (Recommendation)

Adopted by Subcommittee: May 9, 2017

Recommendation - Revenue and Fiscal Affairs Office has the official map of county boundaries, and that provisions be added in law which states South Carolina's official county boundary map that corresponds with current statutory descriptions and any annexations is held by Revenue and Fiscal Affairs Office or its successor entity. This map will include boundaries necessary to determine election districts and other determinations set out by statute.

- Issue Addressed Ensures state statue is clear on who holds the official county boundary map upon which the Census Bureau and others may rely.
- Related Statutes
 - SC Code Section 58-23-1700
 - RFA will publish the GIS file showing the state's county and municipal boundaries on the RFA website.

Keeping the County Boundary Map Current

J: No Annexation impacting line SCGS is mapping while SCGS is mapping (Recommendation)

Recommendation - Update statutes to prevent the following two actions from occurring simultaneously: (1) a county annexing property that would impact an individual boundary line of a county; and (2) SCGS mapping the geographic coordinates of the same individual boundary line. If a county wishes to annex property, they may begin the annexation process as outlined in Chapter 5, Title 4, after the date the geographically positioned individual boundary line takes effect as outlined in Section 27-2-105(B)(6).

• Issue Addressed - Avoids confusion while SCGS is mapping a particular boundary line.

K: Include Geographic Coordinates in any Future Annexations (Recommendation)

Recommendation - Update statutes so after the SCGS geographically positioned boundary line takes effect, (1) any future annexations impacting that line include geographic coordinates and descriptions of the proposed new line, which SCGS will verify, as part of the information available to those within the counties or municipalities who are voting on the annexation, and (2) within 30 days of the certification of election results approving an annexation, counties and municipalities must provide the geographic coordinates and description of the new boundary line to SCGS who will update the official map.

- Issue Addressed Efficiency in keeping the official county boundary map updated and current.
 - Related Issues which will require additional research to determine the best statutory wording
 - Without geographic coordinates as part of the annexation, the description in statute will remain vague as it currently is
 - o Geographic coordinates are easy to obtain with proper surveying equipment
 - Some counties and municipalities may not want to
 - hire someone with the correct equipment; or
 - have someone do a survey at all
 - You would want the geographic coordinates to be done prior to individuals voting on the annexation, to ensure they are voting on those coordinates. If you do the coordinates after the vote, RFA would need to go through the entire process described in 27-2-105 which would be a lot of additional cost to the State.
- Related Statutes

•

- o Annexation process for Counties
 - Section 4-5-140. Employment of surveyors to survey line; marking line on land.
 - Section 4-5-150. Filing of plats; deposit of money to cover expenses.
- o SC Code Section 58-23-1700
 - Cities and towns are required to provide annexation information to RFA within 30 days after the annexation is complete.
 - Annexation information must include a written description of the boundary, along with a map or plat which clearly defines the new territory added.
 - RFA is required to update the GIS file showing the state's county and municipal boundaries on a quarterly basis.
- Potential Benefits
 - Avoid confusion with initial mapping and gain efficiency in keeping map updated

Additional Notice AFTER Geographically Positioned Boundary <u>Finalized</u>

L: Additional Entities Notified of Geographic Positions of Boundary (Recommendation)

Recommendation - Require RFA to email a copy of the correspondence it sends the Register of Deeds pursuant to SC Code Section 27-2-105(B)(6), to the following additional entities to ensure all parties receive the information: (a) SEC and County Registration/Election Board Elections; (b) County Council; County Assessor Taxes; (c) County Emergency Services Emergency Services; (d) All affected School Boards School Districts, by adding a provision to SC Code Section 27-2-105(B)(6).

- Issue Addressed Helps ensure different county entities know which map to utilize
- Related Statutes
 - SC Code Section 27-2-105(B)(6)
 - RFA is required to provide geographic positioned boundary map to (1) Secretary of State; (2) Department of Archives; and (3) Register of Deeds in each affected County.
- Notes
 - RFA states there is no great additional burden on them as they are simply emailing the additional entities a copy of the letter RFA is already required in statute to send the Secretary of State.

Preventing Taxation without Representation

Adopted by Subcommittee: May 9, 2017

Finding - Until such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as laid out in statute, different entities may have different interpretations of the county boundary. These differences may create situations when one constituent is being taxed in one county and voting in another. Further, these potential situations may arise until the South Carolina Geodetic Survey Office completes its work, and the counties recognize these boundaries for all purposes including voting. Therefore, these discrepancies may exist until the South Carolina Geodetic Survey Office completes the project in 2030.

Potential Revised Language

Until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as laid out in statute, practical problems may arise under various interpretations of a county boundary including but not limited to taxation and representation. The Subcommittee's recommendations are intended to address those problems.

- Issue Addressed Identifies an issue.
- Notes
 - The potential revised language utilizes softer language and clarifies the Subcommittee intends to address the potential problems through its recommendations.

<u>N: County Follows Geographically Positioned Map Until Statute Updated</u> (Recommendation)

Recommendation - Require, by adding provisions in statute, a County Council, within 180 days of receiving the geographically positioned boundary (which may only be one boundary line of the county and not the county's entire boundary) from South Carolina Geodetic Survey (SCGS), to provide written confirmation to Revenue and Fiscal Affairs (RFA) that the county has taken any and all necessary steps, which may include grandfathering in certain residents for periods of time as long as those residents are not being taxed in an area in which they cannot vote, to adhere to the boundary for all purposes, including but not limited to, elections, tax assessments, emergency services, school districts, and permits.

• Issue Addressed - Helps prevent taxation in one county and representation in another county.

Recommendation - Analyze current laws and short term revisions to allow an efficient and effective update of official voter lists which will be needed as SCGS geographically positions county boundaries pursuant to the boundary description in statute.

- Issue Addressed Ensures where citizens vote follows the same map by which they are taxed.
- Notes
 - The specific wording needed to address this issue will take additional time to research to
 ensure compliance with federal law, including the National Voter Registration Act.
 However, the above concept recommendation, which is similar to concept
 recommendations made in studies by other Subcommittees when under similar
 circumstances, will communicate the Subcommittee's identification of this issue and
 recommendation that it needs to be addressed.

Example Scenario

- o John registers to vote in County A
- o County A Registration and Election Board states John lives in County A
- o State Election Commission (SEC) adds John to the voter database, noting John lives in County A.
- John votes in elections in County A.
- SC Geodetic Survey (SCGS) geographically positions the boundary of County A pursuant to how the boundary is described in state statute.
 - Based on the geographic positions, John does not live in the statutory boundary of County A. However, John still lives in the same house and has not changed his domicile.
- Under current statutes, the County board of voter registration may correct the official list of eligible voters, only if
 - John requests the County board update his information; OR
 - John receives a postage prepaid and preaddressed return card, sent by forwardable mail, 90 days
 or more prior to the next election, which includes statements required by statute and on which
 John may state his current address, and
 - (1) John indicates he lives in County B, not County A; OR
 - (2) John does not respond and has not voted in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

Recommendation - Authorize, by adding provisions in statute, a private cause of action, which includes reasonable attorney's fees, against any county that, after 180 days of receiving the geographically positioned boundary from SCGS, taxes citizens outside the county's geographically positioned boundary contained in the official county boundary map at RFA.

• Issue Addressed - Enforcement method re: counties follow the official boundary for tax purposes.

Additional Notice BEFORE Geographically Positioned Boundary <u>Finalized</u>

Q: Required Notice Pre-SCGS Work on County Boundary and Public Meeting Post-Preliminary Positioning (Recommendation)

Recommendation - Require SCGS send notice to the county administrator and publish this notice (1) in a local newspaper, and (2) on the RFA website prior to SCGS starting their work of geographically positioning a section of a county boundary. The notice will inform the public that SCGS intends to work on geographically positioning a section of the county boundary and welcomes public input. Require SCGS to work with the county administrator to hold a public meeting, after SCGS has preliminary geographic positions, to provide information on the preliminary positions and obtain additional public input prior to finalizing the plat of the section of the county boundary.

• Issue Addressed - Allows for more public involvement at the start of the process

Statutes Applicable to County Boundaries

§ 1-11-360. Office of Precinct Demographics; establishment and responsibilities.

There is created within the Revenue and Fiscal Affairs Office an Office of Precinct Demographics to be staffed by personnel as determined appropriate by the office and consistent with funds appropriated for the Office by the General Assembly in the annual general appropriation act. The Office of Precinct Demographics shall:

(1) Review existing precinct boundaries and maps for accuracy, develop and rewrite descriptions of precincts for submission to the legislative process.

(2) Consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent.

(3) Develop a system for originating and maintaining precinct maps and related data for the State.

(4) Represent the Division at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts.

(5) Assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice.

(6) Coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes.

(7) Serve as a focal point for verifying official precinct information for the counties of South Carolina.

HISTORY: 1984 Act No. 512, Part II, Section 59.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

§ 27-2-105. Clarification of county boundaries; role of SC Geodetic Survey; contested case hearings.

(A)(1) Where county boundaries are ill-defined, unmarked, or poorly marked, the South Carolina Geodetic Survey on a cooperative basis shall assist counties in defining and monumenting the locations of county boundaries and positioning the monuments using geodetic surveys. The South Carolina Geodetic Survey (SCGS) shall seek to clarify the county boundaries as defined in Chapter 3, Title 4. The SCGS shall analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with statutory descriptions. Physical and descriptive points defining boundaries must be referenced using South Carolina State Plane Coordinates.

(2) If there is a boundary dispute between two or more counties, the SCGS shall act as the mediator to resolve the dispute.

(3) Upon reestablishing all, or some portion, of a county boundary, the SCGS shall certify its work and within thirty days of that certification:

(a) provide copies to the administrator of each affected county;

(b) provide written notification to affected parties;

(c) provide notice and copies to the public through its official website and or other means it considers appropriate; and

(d) notify as it determines appropriate, other affected state and federal agencies.

(4) For purposes of item (1), a certification for all or some portion of a county boundary means a plat signed and sealed by a licensed South Carolina Professional Land Surveyor and approved by the Chief of the SCGS.

(B)(1) An affected party disagreeing with a boundary certified by the SCGS may file a request for a contested case hearing with the South Carolina Administrative Law Court according to the court's rules of procedure. An affected party has sixty calendar days from the date of a written notice sent to the affected party to file an appeal with the Administrative Law Court.

(2) As used in this subsection an "affected party" means:

(a) the governing body of an affected county;

(b) the governing body of a political subdivision of this State, including a school district, located in whole or in part in the certification zone;

(c) an elected official, other than a statewide elected official, whose electoral district is located in whole or in part in the certification zone;

(d) a property owner or an individual residing in the certification zone;

(e) a business entity located in the certification zone; or

(f) a nonresident individual who owns or leases real property situated in the certification zone.

(3) A "certification zone" means the actual territory in which the boundary certification changes from one affected county to another.

(4) The decision of the Administrative Law Court may be appealed as provided in Section 1-23-610.

(5) The certified county boundary plat described in subsection (A)(4) of this section takes effect for all purposes on the date provided in item (6).

(6) When the certified boundary plat is no longer subject to appeal, the SCGS under cover of a letter signed by the Chief of the SCGS shall provide an appropriate revised boundary map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the SCGS director's cover letter is the date the revised boundaries take effect.

(7) When all portions of a county boundary are resolved, the SCGS shall prepare a unique boundary description for counties with boundaries affected by the operation of this section and forward that description in a form suitable for the General Assembly to amend county boundaries as described in Chapter 3, Title 4.

(C) Nothing in this section may be construed as limiting or in any way restricting the plenary authority of the General Assembly by legislative enactment to adjust or otherwise clarify existing county boundaries, however, these boundaries may have been established.

HISTORY: 1994 Act No. 497, Part II, Section 59A; 2014 Act No. 262 (S.988), Section 2, eff June 9, 2014.

Effect of Amendment

2014 Act No. 262, Section 2, rewrote the section.

§ 58-23-1700. Local assessment fee; records; confidentiality; GIS file available for public use.

Background

In 2015, the General Assembly passed the Transportation Network Company Act (Act. 88 of 2015). The primary purpose of this act was to address regulation of Transportation Network Companies, companies that use a digital network to connect a passenger to a driver for the purposes of providing transportation services (e.g., Uber, Lyft, etc.). To enforce some of the regulations, there needed to be a way to determine specifically what county or municipality a trip fare was earned in so the local assessment fee on that fare would go back to the appropriate county or municipality. SC Code Section 58-23-1700(J) was included in the Act to allow for these determinations.

<u>Statute</u>

 $\overline{(A)}$ For the purposes of this section:

(1) "Gross trip fare" means the sum of the base fare charge, distance charge, and time charge for the complete trip at rates published on the TNC's website.

(2) "Local assessment fee" means one percent of the gross trip fare.

(3) "Municipality" means a city or town issued a certificate of incorporation, or township created by act of the General Assembly.

(B) A TNC shall collect a local assessment fee on behalf of a TNC driver who accepts a request for a prearranged ride made through the TNC's digital network for all prearranged rides that originate in the State.

(C) Using the Geographic Information System (GIS) data made available by the Revenue and Fiscal Affairs Office pursuant to subsection (I), a TNC shall determine whether each prearranged trip occurred within the incorporated boundaries of a municipality, or outside of the incorporated boundaries of a municipality and within the boundaries of a county of this State.

(D) No later than thirty days after the end of a calendar quarter, a TNC shall submit to the Office of Regulatory Staff:

(1) the total local assessment fees collected by a TNC on behalf of the TNC drivers;

(2) for trips that originated in a municipality, a report listing the percentage of the gross trip fare that originated in each municipality during the reporting period; and

(3) for trips that originated outside a municipality, a report listing the percentage of the gross trip fare that originated outside a municipality during the reporting period.

(E) The funds collected pursuant to this section are not general fund revenue of the State and must be kept by the State Treasurer in a distinct and separate unbudgeted Trust & Agency fund and apart from the general fund. These funds are to be administered by the Office of Regulatory Staff pursuant to this section and expended only for the purposes provided in this chapter.

(F)(1) The Office of Regulatory Staff shall retain an amount of one percent of the local assessment fee collected under subsection (D)(1) to cover the expenses borne by the Office of Regulatory Staff derived from:

(a) regulation of TNC's; and

(b) collection, remittance, and distribution of local assessment fees pursuant to this section.

(2) Within sixty days of the end of the calendar quarter, the Office of Regulatory Staff shall distribute the remaining portion of the total local assessment fees collected under subsection (D)(1), minus the amount retained pursuant to subsection (F)(1), to each municipality where a trip originated during the reporting period and, for trips that originated outside a municipality, to each county where a trip originated during the reporting the reporting period. The distribution to each municipality or county must be proportionate to the percentage of the gross trip fare that originated in each municipality or county.

(G)(1) To ensure that the TNC has remitted the correct local assessment fee and has accurately reported the percentages attributable to municipalities and counties pursuant to subsection (D), upon request of the municipality, the Office of Regulatory Staff may inspect the necessary records at a TNC's place of business or a mutually agreed upon location. This inspection may not be conducted more than once a year.

(2) At least forty-five days before the Office of Regulatory Staff conducts an inspection of records pursuant to item (1), the Office of Regulatory Staff shall notify the Municipal Association of South Carolina (MASC) or its successor organization of its intent to conduct an inspection and the date of the planned inspection.

(3) MASC may request that a TNC that is subject to inspection under item (1) engage an independent third party auditor to verify that the local assessment to municipalities has been properly accounted for and distributed. At least thirty days before the scheduled audit, MASC must submit this request in writing to the Office of Regulatory Staff and the TNC subject to the audit.

(a) The TNC that is subject to the audit shall engage the independent third party auditor, which must be selected at the sole discretion of the TNC, and bear all costs associated with the third party audit. The independent third party auditor must be:

(i) a certified public accounting firm licensed in the State; and

(ii) qualified to perform engagements in accordance with Generally Accepted Government Auditing Standards (GAGAS).

(b) The TNC shall provide MASC with a copy of the third party audit report within fifteen days of completion, which shall in no event, occur later than ninety days after receipt of MASC's written request. The audit report must disclose the amount of any underpayments or overpayments to municipalities and counties.

(c) A person employed by or formerly employed by MASC who discloses to a third party any information that the TNC marked in the audit report as confidential must be assessed civil penalties as contained in Section 58-23-1680 unless the individual obtained the TNC's written consent prior to disclosure. Nothing

in this section must be construed to restrict MASC from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(4) In the event that a TNC submits a report to the ORS that is subsequently determined to be inaccurate, thereby leading to an underpayment or overpayment of a municipality's or county's local assessment fee, the Office of Regulatory Staff shall correct the underpayment and overpayment by offsetting the amount of the underpayment or overpayment in subsequent local assessment fee distributions. In the event a TNC remits an assessment fee to the Office of Regulatory Staff that is determined to constitute an underpayment of the total assessment fee required by this article, the Transportation Network Company shall, within thirty days of receiving notification of the determination, remit the balance owed to the Office of Regulatory Staff. A TNC that submits a report containing an inaccuracy or remits an assessment fee that constitutes an underpayment that is determined by the Office of Regulatory Staff to be the result of an intentional misrepresentation must be assessed damages that are no less than three times the amount of the underpayment or resultant underpayment to the municipality or county impacted.

(H) Any records maintained by a TNC pursuant to this section that are obtained by the Office of Regulatory Staff, a public body as defined by Section 30-4-20(a), or any records that incorporate information from records maintained pursuant to this section, must not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30, or any other provision of law.

(I) The Office of Regulatory Staff may not disclose records or information provided by a TNC unless disclosure is required by a subpoena or court order. If a disclosure is required, the Office of Regulatory Staff shall promptly notify the TNC prior to the disclosure. Nothing in this section may be construed to restrict the Office of Regulatory Staff from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(J) To ensure proper distribution of the local assessment fee pursuant to subsection (D)(2), the Revenue and Fiscal Affairs Office shall prepare and make available for public use a GIS file showing the state's county and municipal boundaries. This file must be updated on a quarterly basis, and published on the Revenue and Fiscal Affairs Office's website. In addition to the requirements of Section 5-3-90, municipalities shall provide annexation information to the Revenue and Fiscal Affairs Office within thirty days after the annexation is complete. Such information shall include a written description of the boundary, along with a map or plat which clearly defines the new territory added.

(K) This section takes effect ninety days after the effective date of this article.

HISTORY: 2015 Act No. 88 (H.3525), Section 1, eff September 22, 2015.

Title 4, Chapter 5 - Change of Boundaries

4-5-120. Procedure for annexing part of a county.

Whenever the governing body of a county by resolution requests that a part of such county be merged with one or more adjoining counties or whenever ten percent of the registered voters in an area of one county petition in writing that such area be transferred to another county, the county governing body or the petitioners, as the case may be, shall deposit with the clerk of court of such county an amount of money sufficient to cover the expenses of surveys and plats and of the annexation commission and the election to be held to determine whether the proposed annexation shall be effected and shall file such resolution or petition in the office of the clerk of court of such county and transmit the petition or resolution to the Governor.

HISTORY: 1976 Act No. 697 Section 1.

4-5-130. Appointment of commission for annexation.

When a request of a county governing body or a petition as prescribed in Section 4-5-120 has been presented to the Governor for changing the boundary line or lines between two counties, whereby a portion of the territory of one county would be annexed to another, the Governor shall within thirty days appoint a commission of four persons, two from the territory proposed to be annexed and two from the other territory of the county or counties from which such territory has theretofore been a part. Two of the persons, if such are to be found, shall be opponents and two advocates of the proposed change of line.

HISTORY: 1976 Act No. 697 Section 2.

4-5-140. Employment of surveyors to survey line; marking line on land.

The commission may contract for the survey and location of the proposed change of line and for such purpose may employ three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the commission and the third by the two selected by the commission. Such surveyors shall clearly mark the proposed change of line upon the land with due regard to all legal provisions and limitations and certify plats showing such line.

HISTORY: 1976 Act No. 697 Section 3.

4-5-150. Filing of plats; deposit of money to cover expenses.

Certified plats of such line shall be filed with the Secretary of State and with the respective clerks of court of each county affected thereby and a deposit of an amount of money sufficient to cover expenses of survey and plats and other necessary expenses including advertising shall be made with the treasurer of the county whose territory is proposed to be reduced by those requesting or petitioning for the change of line.

HISTORY: 1976 Act No. 697 Section 4.

4-5-160. Commission shall report all relevant facts.

The commission shall carefully investigate all facts relating to the area, population and assessed property values of the territory proposed to be severed and that remaining, the proximity of the line to any courthouse and the proper amount of indebtedness of the county losing area to be assessed to the county gaining such area and shall report in writing to the Governor upon all such relevant matters as the Governor may direct for his information. The commission shall also report to the Governor an itemized statement of the expense of the survey and plats.

HISTORY: 1976 Act No. 697 Section 5.

4-5-170. Governor shall order election; voting place; eligible electors.

(A) Upon satisfactory compliance with Sections 4-5-120 to 4-5-160, the Governor shall order an election to be held in an area sought to be transferred and an election to be held in the county to which the area is proposed to be transferred. If there is no established voting place in the area proposed to be transferred, the Governor in his order of election shall designate the place or places at which the voters in the area shall vote. All qualified electors of the area proposed to be annexed and the county to which the area is proposed to be annexed are eligible to vote in the elections.

(B) Where the area proposed to be annexed is less than fifty acres in size and is titled in the name of ten or fewer freeholders as defined in Section 5-3-240 and upon satisfactory compliance with Sections 4-5-120 through 4-5-160, the Governor shall order the county board of elections in the county in which the area proposed to be annexed is located to canvass the qualified electors residing in the area as to whether the area proposed to be annexed should be transferred to the annexing county. Notice of the canvassing must be given to the qualified electors residing in the area proposed to be annexed should be in the form of a census taken by the county board of elections on the third Tuesday after the notice is given or attempted. If the county commission of elections certifies that two-thirds of the qualified electors in the area proposed to be annexed favor annexation, the governing body of the county to which the area is proposed to be transferred, upon the concurring vote of the governing body of the county from which the area is proposed to be transferred, may vote to require the General Assembly to ratify the transfer of property under Section 4-5-220.

HISTORY: 1976 Act No. 697 Section 6; 1988 Act No. 520, eff May 18, 1988.

Effect of Amendment - The 1988 amendment made grammatical changes, redesignated the first paragraph as subsection (A), and added subsection (B) relating to canvassing.

4-5-180. Conduct of elections.

Except as provided in Section 4-5-170(B), the elections called for must be conducted at the time specified in the Governor's order by the respective election commissions of the two counties in accordance with the applicable constitutional and statutory provisions relating to elections.

HISTORY: 1976 Act No. 697 Section 7; 1988 Act No. 520, eff May 18, 1988.

Effect of Amendment - The 1988 amendment added a reference to Section 4-5-170(B).

4-5-190. Election results; canvass of returns in annexed area.

Except as provided for in Section 4-5-170(B), the commissioners of elections for the county from which the area is proposed to be transferred shall canvass the returns of the managers of each precinct in the area seeking annexation in their county as the returns are canvassed in general elections and shall certify the results of the canvassing in a tabulated statement of the vote at each precinct to the Secretary of State who shall transmit a tabulated statement of the vote at each precinct of the county to the Senate and House of Representatives at its next session.

HISTORY: 1976 Act No. 697 Section 8; 1988 Act No. 520, eff May 18, 1988.

Effect of Amendment - The 1988 amendment added a reference to Section 4-5-170(B) and made grammatical changes.

4-5-200. Election results; canvass of returns in annexing area.

Except as provided in Section 4-5-170(B), the commissioners of election for the county to which the area is proposed to be transferred shall canvass the returns of the managers of each voting place in the county as the returns are canvassed in the general elections and shall certify the results of the canvass in a tabulated statement of the vote at each polling place to the Secretary of State who shall transmit a tabulated statement of the vote at each polling place to the General Assembly for action as provided for in Section 4-5-220.

HISTORY: 1976 Act No. 697 Section 9; 1988 Act No. 520, eff May 18, 1988.

Effect of Amendment - The 1988 amendment made grammatical changes and added a reference to Section 4-5-170(B).

4-5-210. Protests or contests; appeals.

The commissioners of election respectively as judicial officers shall decide all cases of protest or contest in the areas of their jurisdiction that may arise in such elections and their decisions shall be final and conclusive evidence of the result of the elections unless appealed from within five days to the Court of Common Pleas of the county in which the election was held. HISTORY: 1976 Act No. 697 Section 10.

4-5-220. Alteration of county line or lines by General Assembly.

The General Assembly upon receipt of the certified returns shall as soon as practicable alter the county line or lines in accordance with the request or petition if two-thirds of the qualified electors voting or otherwise indicating their preference, under Section 4-5-170(B), on the question in the area to be transferred vote or otherwise indicate, under Section 4-5-170(B), in favor of the transfer and if a majority of the qualified electors voting in the county to which the transfer is proposed or the members of the county governing boards, under Section 4-5-170(B), vote in favor of the transfer, provided that all the constitutional requirements for the alteration of county lines have been complied with, all of which must be determined by the General Assembly. The annexation must then become effective.

HISTORY: 1976 Act No. 697 Section 11; 1988 Act No. 520, eff May 18, 1988. Effect of Amendment - The 1988 amendment added references to Section 4-5-170(B).

4-5-230. Payment of costs by annexing county; special tax.

When one portion of a county is annexed to another county, the county to which it is annexed shall levy a special tax upon all property in such annexed area to cover the cost of survey and transfer or so much thereof as the governing body of the county to which the annexation or addition is made shall deem just and proper, and such governing body may levy upon the property within the original lines of their county such tax as in their judgment shall seem just and fair to augment the amount raised by taxation within the annexed area to reimburse and refund those who made the deposit as provided in Section 4-5-120 for the cost of annexation.

HISTORY: 1976 Act No. 697 Section 12.

4-5-240. Compensation and expenses of commissioners.

The commissioners appointed by the Governor in accordance with Section 4-5-130 shall each be entitled as compensation for services to twenty-five dollars per day for not exceeding five days and necessary traveling expenses to be voted and paid as expenses of survey. Upon filing of their report and certified plats as herein required, the commissioners may draw their warrant upon the county treasurer with whom deposit has been made as herein required for payment of the expenses of survey and a warrant shall be payable only out of such deposit.

HISTORY: 1976 Act No. 697 Section 13.

4-5-250. Subsequent election after defeat of proposal.

Upon the defeat of any proposed change of boundary line of a county at any election thereon, no election upon the same or any modified change of such boundary line shall be held within four years thereafter.

HISTORY: 1976 Act No. 697 Section 14.

4-5-260. State aid to subdivisions for county government; allocation formula for annexed county.

With respect to state aid to subdivisions for county government and the allocation formula for an annexed county, where a portion of one county is annexed to another county, the total amount allocated to the two counties shall not exceed the total which would be allocated to the two counties separately. However, the population of the annexed areas must be taken into consideration in determining the proportionate share of the total allocation due to each county.

HISTORY: 1995 Act No. 145, Part II, Section 33, eff June 29, 1995.

Title 7 - Elections, Chapter 1 - General Provisions

7-1-25. "Domicile" defined.

(A) A person's residence is his domicile. "Domicile" means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes, factors to consider in determining a person's intention regarding his domicile include, but are not limited to:

(1) a voter's address reported on income tax returns;

(2) a voter's real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12-43-220(C);

(3) a voter's physical mailing address;

(4) a voter's address on driver's license or other identification issued by the Department of Motor Vehicles;

(5) a voter's address on legal and financial documents;

(6) a voter's address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter's address on an automobile registration;

(8) a voter's address utilized for membership in clubs and organizations;

(9) the location of a voter's personal property;

(10) residence of a voter's parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter's immediate family.

HISTORY: 1999 Act No. 103, Section 1, eff June 30, 1999; 2011 Act No. 27, Section 1, eff May 18, 2011.

Editor's Note - 2011 Act No. 27, Sections 7 and 8, provide as follows:

"SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows: "(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites. "(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation. "(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. "(4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011. "(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level. "(6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011. "(7) Coordinate with local media outlets to

disseminate information concerning the changes in this legislation. "(8) Notify each registered elector who does not have a South Carolina issued driver's license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56-1-3350. "In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

"SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list."

Effect of Amendment - The 2011 amendment added subsection (D).

Title 7, Chapter 3 - State Election Commission; Central Registration System

7-3-10. State Election Commission created; appointment; term; powers and duties.

(a) There is hereby created the State Election Commission composed of five members, at least one of whom shall be a member of the majority political party represented in the General Assembly and at least one of whom shall be a member of the largest minority political party represented in the General Assembly, to be appointed by the Governor to serve terms of four years and until their successors have been elected and qualify, except of those first appointed three shall serve for terms of two years. Any vacancy on the Commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(b) The Governor shall appoint one of the members to serve as chairman for a term of two years and until his successor has been appointed and qualifies. The Commission shall select such other officers from among its members as it may deem necessary.

(c) The commission shall meet at its offices in Columbia at least once each month or at such times as considered necessary by the commission. However, the commission may change the location of the meeting if the change is more convenient for the commission or any parties scheduled to appear before the commission.

(d) The Commission shall have the powers and duties as enumerated in this title.

(e) No member of the commission may participate in political management or in a political campaign during the member's term of office. No member of the commission may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate. Violation of this subsection subjects the commissioner to removal by the Governor.

HISTORY: 1962 Code Section 23-30; 1968 (55) 2316; 1992 Act No. 276, Section 1, eff March 10, 1992; 1996 Act No. 423, Section 2, eff June 18, 1996; 1998 Act No. 293, Section 1, eff April 20, 1998.

Effect of Amendment - The 1992 amendment in subsection (c), deleted "at such times as it may determine" from the end of the first sentence, and added the second sentence. The 1996 amendment added subsection (e). The 1998 amendment in subsection (c) added "or at such times as considered necessary by the commission" to the end of the first sentence.

7-3-20. Executive director of State Election Commission.

(A) The State Election Commission shall elect an executive director who shall be directly responsible to the commission and who shall serve at the pleasure of the commission. The executive director shall be the chief administrative officer for the State Election Commission.

(B) The executive director shall receive such compensation and employ such staff, subject to the approval of the State Election Commission, as may be provided by law.

(C) The executive director shall:

(1) supervise the conduct of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, which administer elections and voter registration in the State and ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(2) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, to ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(3) maintain a complete master file of all qualified electors by county and by precincts;

(4) delete the name of any elector:

- (a) who is deceased;
- (b) who is no longer qualified to vote in the precinct where currently registered;
- (c) who has been convicted of a disqualifying crime;
- (d) who is otherwise no longer qualified to vote as may be provided by law; or
- (e) who requests in writing that his name be removed;

(5) enter names on the master file as they are reported by the county boards of voter registration and elections;

(6) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(7) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(8) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(9) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(10) obtain information from any other source which may assist him in carrying out the purposes of this section;

(11) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(12) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(13) serve as the chief state election official responsible for implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993;

(14) serve as the chief state election official responsible for implementing and enforcing the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq.; and

(15) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law.

(D) The State Election Commission shall publish on the commission's website each change to voting procedures enacted by state or local governments. State and local governments shall file notice of all changes in voting procedures, including, but not limited to, changes to precincts with the State Election Commission within five days after adoption of the change or thirty-five days prior to the implementation, whichever is earlier. All voting procedure changes must remain on the commission's website at least through the date of the next general election. However, if changes are made within three months prior to the next general election, then the changes shall remain on the commission's website through the date of the following general election.

HISTORY: 1962 Code Section 23-31; 1967 (55) 657; 1968 (55) 2316; 1996 Act No. 466, Section 2, eff August 21, 1996; 2006 Act No. 253, Section 1, eff March 24, 2006; 2012 Act No. 265, Section 4, eff upon preclearance approval or declaratory judgment; 2014 Act No. 196 (S.815), Sections 1, 10, eff June 2, 2014.

Code Commissioner's Note - Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

Editor's Note - 2012 Act No. 265, Section 9, provides as follows: "This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first." Preclearance approval for 2012 Act No. 265 was received on October 1, 2012.

Effect of Amendment - The 1996 amendment revised subsection (C). The 2006 amendment added paragraph (C)(12) relating to implementation of the Uniformed and Overseas Citizens Absentee Voting Act. The 2012 amendment added item (13) relating to a statewide voter registration database, and made other nonsubstantive changes. 2014 Act No. 196, Section 1, in subsection (C), added paragraphs (1) and (2), relating to county board of elections and voter registration, and redesignated the paragraphs accordingly. 2014 Act No. 196, Section 10, in subsection (C), added paragraph (16).

7-3-25. Noncompliant county boards of voter registration and elections.

(A) In the event that the State Election Commission, acting through its executive director, determines that a county board of elections and voter registration has failed to comply with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of the election or voter registration process, the State Election Commission, acting through its executive director or other designee, must supervise, pursuant to Section 7-3-20(C)(1), the county board to the extent necessary to:

(1) identify the failure to comply with state or federal law or State Election Commission policies and procedures;

(2) establish a plan to correct the failure; and

(3) implement the plan to correct the failure. The officials and employees of the State Election Commission and the county board must work together, in good faith, to remedy the failure of the county board to adhere to state or federal law. In the event of a difference of policy or opinion between a county election official or employee and the State Election Commission or its designee, pertaining to the manner in which particular functions must be performed, the policy or opinion of the State Election Commission shall control.

(B) If a county board of voter registration and elections does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

(C) If the State Election Commission determines that an official or an employee of a county board of voter registration and elections has negligently failed to comply with applicable state or federal law or State Election Commission policies and procedures with regard to the election or voter registration process or fails to comply with or cooperate with the corrective plan established by the State Election Commission or its designee under the provisions of subsection (A), the commission may order the decertification of that official or employee and if decertified the commission shall require that official to participate in a retraining program approved by the commission prior to recertification. If the commission finds that the failure to comply with state or federal law or State Election Commission policies and procedures by an official is wilful, it shall recommend the termination of that official to the Governor or it shall recommend termination of a staff member to the director of the appropriate county board of voter registration and elections.

HISTORY: 2014 Act No. 196 (S.815), Section 2, eff June 2, 2014.

7-3-30. Notice of deletion of elector's name from roster; appeal by elector; restoration of name.

(a) The executive director shall notify by mail each elector at the address last filed in the office, whose name has been deleted for the reasons of conviction or a change in the residence of a qualified voter. The notice shall state the reason for the deletion and inform the elector of his right to appeal to the county board of voter registration and elections and the time in which to perfect his appeal. A copy of the notice must be forwarded to the appropriate county board of voter registration and elections.

(b) Each elector whose name has been deleted has twenty days from the date the notice is mailed to appeal. The appeal must be to the county board of voter registration and elections from whose master file the deletion has been made. If the board determines that the elector's name should not have been deleted, it shall instruct the executive director to restore his name to the registration books; however, if the deletion is for conviction, the appeal must be to the Executive Director of the State Election Commission.

HISTORY: 1962 Code Section 23-32; 1967 (55) 657; 1968 (55) 2316; 1996 Act No. 466, Section 3, eff August 21, 1996; 2012 Act No. 265, Section 5, eff upon preclearance approval or declaratory judgment.

Code Commissioner's Note - Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

Editor's Note - 2012 Act No. 265, Section 9, provides as follows: "This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first." Preclearance approval for 2012 Act No. 265 was received on October 1, 2012.

Effect of Amendment - The 1996 amendment revised subsection (b). The 2012 amendment inserted "for the reasons of conviction or a change in the residence of a qualified voter" in subsection (a), substituted "executive director" for "central registration office" in subsection (b), and made other nonsubstantive changes.

7-3-40. Reports to be furnished by Bureau of Vital Statistics.

The Bureau of Vital Statistics must furnish the executive director 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.

HISTORY: 1962 Code Section 23-33; 1967 (55) 657; 1968 (55) 2316; 1996 Act No. 434, Section 1, eff June 4, 1996; 2012 Act No. 265, Section 6, eff upon preclearance approval or declaratory judgment.

Editor's Note - 2012 Act No. 265, Section 9, provides as follows: "This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first." Preclearance approval for 2012 Act No. 265 was received on October 1, 2012.

Effect of Amendment - The 1996 amendment revised this section. The 2012 amendment substituted "this information at no charge" for "that this information be furnished to it by each county".

7-3-50. Information to be furnished by boards.

Each county board of voter registration and elections must furnish the executive director information as may be requested by him concerning each registered elector by the fifteenth day of each month and within five days after closing of the books prior to an election.

HISTORY: 1962 Code Section 23-34; 1967 (55) 657; 1968 (55) 2316; 1984 Act No. 510, Section 1, eff June 28, 1984.

Code Commissioner's Note - Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

Effect of Amendment - The 1984 amendment changed "shall" to "must" and deleted "a duplicate copy of each certificate issued and such other" before "information."

7-3-60. Clerks and magistrates shall report persons convicted of certain offenses.

The clerks of the courts of common pleas and general sessions and every magistrate in the State must, annually on or before June first, make out under their respective hands and seals and report to the executive director a complete list as shown by the records of their respective offices for the preceding calendar year of all persons convicted in that year of felonies or crimes against the election laws, together with the social security or identification numbers of these persons and the month of conviction. Where there is no person to be reported, the report shall so state. Any clerk of the court or magistrate who fails or neglects to make any report required by this section must forfeit and pay to the county in which he holds office the sum of fifty dollars for each failure or neglect to make the report.

HISTORY: 1962 Code Section 23-92; 1952 Code Section 23-92; 1950 (46) 2059; 1967 (55) 657; 1968 (55) 2316; 1984 Act No. 289, eff March 5, 1984.

Effect of Amendment - The 1984 amendment deleted references to specific offenses, added "felonies or"

in lieu thereof, and also added the requirement that a report contain the month of conviction.

7-3-70. Reports furnished by Department of Motor Vehicles.

(a) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who have surrendered their driver's license or identification card and obtained a driver's license or identification card in another state. All reports must contain the name of the driver or identification cardholder, social security number, date of birth, South Carolina county where previously a resident, and the state in which the license or identification card was surrendered. The department must provide this information at no charge.

(b) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who were reported as deceased by Social Security Administration. All reports must contain the name, social security number, date of birth, and date of death. The department must provide this information at no charge.

HISTORY: 2012 Act No. 265, Section 7, eff upon preclearance approval or declaratory judgment.

Editor's Note - 2012 Act No. 265, Section 9, provides as follows: "This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first."

Preclearance approval for 2012 Act No. 265 was received on October 1, 2012.

7-5-120. Qualifications for registration; persons disqualified from registering or voting.

(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.

(B) A person is disqualified from being registered or voting if he:

(1) is mentally incompetent as adjudicated by a court of competent jurisdiction; or

(2) is serving a term of imprisonment resulting from a conviction of a crime; or

(3) is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.

HISTORY: 1962 Code Section 23-62; 1952 Code Section 23-62; 1950 (46) 2059; 1961 (52) 50; 1963 (53) 155; 1967 (55) 657; 1974 (58) 2188; 1981 Act No. 1 Section 2, eff January 14, 1981; 1986 Act No. 345, Section 1, eff March 7, 1986; 1994 Act No. 365, Section 1, eff May 3, 1994; 1996 Act No. 408, Section 1, eff on the ratification of the amendment to Section 4, Article II of the Constitution of this State to change the age qualification to vote (ratified March 25, 1997).

Editor's Note - 1981 Act No. 1, Section 2A, provides as follows: "Section 2A. The provision of paragraph (b) of Section 7-5-120, as amended in Section 2, shall apply to all persons falling within the amended provision regardless of the date of their conviction."

Effect of Amendment - The 1981 amendment inserted the words "a felony" in paragraph (b) in place of the words "burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, larceny, murder, rape"; substituted the word "offenses" for the word "crimes"; and substituted the words "service of the sentence, including probation and parole time unless sooner pardoned" for the word "pardon." The 1986 amendment deleted former item (4), redesignated former item (5) as item (4), and made grammatical changes. The 1994 amendment rewrote this section, primarily to provide that a person is disqualified from voting if he is serving a term of imprisonment resulting from a conviction of a crime. The 1996 amendment substituted "meets the age qualification as provided in Section 4, Article II of the Constitution of this State" for "is at least eighteen years of age" in subsection (A)(1), and inserted "and" at the end of subsection (A)(2).

7-5-186. Statewide voter registration database.

(A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law.

(2)(a) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.

(c) A county board of voter registration and elections shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

HISTORY: 2012 Act No. 265, Section 3, eff upon preclearance approval or declaratory judgment.

Code Commissioner's Note - Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

Editor's Note - 2012 Act No. 265, Section 9, provides as follows: "This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first." Preclearance approval for 2012 Act No. 265 was received on October 1, 2012.

7-5-230. Legal qualifications; challenges; proof of residency or domicile; appeals.

(A) The county boards of voter registration and elections to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

(B) When a challenge is made regarding the residence or domicile of an elector, the board must consider the provisions of Section 7-1-25(D).

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the county board of voter registration and elections denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court.

HISTORY: 1962 Code Section 23-73; 1952 Code Section 23-73; 1950 (46) 2059; 1967 (55) 657; 1999 Act No. 103, Section 2, eff June 30, 1999; 2011 Act No. 27, Section 3, eff May 18, 2011.

Code Commissioner's Note - Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

Editor's Note - 2011 Act No. 27, Sections 7 and 8, provide as follows:

"SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows: "(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites. "(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation. "(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. "(4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011. "(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level. "(6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011. "(7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation. "(8) Notify each registered elector who does not have a South Carolina issued driver's license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56-1-3350. "In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

"SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list."

Effect of Amendment - The 1999 amendment added the second sentence in the first paragraph and the second and third paragraphs regarding challenges and changed "thence" to "subsequently" in the last paragraph. The 2011 amendment designated the first paragraph as subsection (A); designated the third paragraph as subsection (B), and therein, inserted "or domicile" following "the residence", substituted "the board must" for "the board may", and substituted "provisions of Section 7-1-25(D)" for "following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver's license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector's statements as to his intent"; and designated the last paragraph as subsection (C).

7-5-310. Definitions; designations.

(A) As used in this article:

(1) "Voter registration agency" means an office designated to perform specific voter registration activities;

(2) "Motor vehicle driver's license" means any personal identification document issued by the Department of Motor Vehicles.

(B) There are designated the following voter registration agencies:

(1) Department of Social Services;

(2) Department of Health and Environmental Control - WIC program;

(3) Department of Disabilities and Special Needs;

(4) Commission for the Blind;

- (5) Department of Vocational Rehabilitation;
- (6) South Carolina Protection and Advocacy System for the Handicapped;
- (7) Armed Forces recruiting offices;
- (8) Alcohol and Other Drug Abuse Services;

(9) Department of Mental Health.

(C) At each voter registration agency, the following services must be made available:

(1) distribution of voter registration application forms in accordance with subsection (F);

(2) assistance to applicants in completing voter registration application forms, unless the applicant refuses the assistance;

(3) acceptance of completed voter registration application forms for transmittal to the county board of voter registration and elections.

(D) If a voter registration agency designated under the provisions of this section provides services to a person with a disability at the person's home, the agency shall provide the services described in subsection (C) at the person's home.

(E) A person who provides services described in subsection (C) may not:

(1) seek to influence an applicant's political preference;

(2) display a political preference or party allegiance;

(3) make any statement to an applicant or take any action, the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action, the purpose or effect of which is to lead the applicant to believe that a decision to register to vote has any bearing on the availability of services or benefits.

(F) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall:

(1) distribute to each applicant for the service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance the voter registration application form, including a statement that:

(a) specifies each eligibility requirement (including citizenship);

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

(c) requires the signature of the applicant, under penalty of perjury; or

(2)(a) provide a form that includes:

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being considered to constitute a declination to register for purposes of subsection (G), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
(v) the statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the State Election Commission." The name, address, and telephone number of the Executive Director of the State Election Commission must be printed on the form; and

(b) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses the assistance.

(G) No information relating to a declination to register to vote in connection with an application made at an office described in subsection (B) may be used for any purpose other than voter registration.(H)(1) A completed registration application accepted at a voter registration agency must be transmitted to the county board of voter registration and elections not later than ten days after acceptance.

(2) If a registration application is accepted within five days before the last day for registration to vote in an election, the application must be transmitted to the county board of voter registration and elections not later than five days after the date of acceptance.

HISTORY: 1996 Act No. 466, Section 1, eff August 21, 1996.

Code Commissioner's Note - Pursuant to the direction to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Public Safety" was changed to "Department of Motor Vehicles" in paragraph (A)(2). Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the "Board of Voter Registration and Elections" and board members as appropriate.

7-5-320. Application for motor vehicle driver's license and voter registration.

(A)(1) Each state motor vehicle driver's license application, including a renewal application, submitted to the Department of Motor Vehicles serves as an application for voter registration unless the applicant fails to sign the voter registration application. Failure to sign the voter registration portion of the driver's license application serves as a declination to register.

(2) An application for voter registration submitted under item (1) is considered to update any previous voter registration by the applicant.

(B) No information relating to the failure of an applicant for a state motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(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 and elections to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(c) includes a statement that:

(i) states each eligibility requirement, including citizenship;

(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 and elections in which the application is made.

(D) A change of address form submitted in accordance with state law for purposes of a state motor vehicle driver's license serves as notification of change of address for voter registration unless the qualified elector states on the form that the change of address is not for voter registration purposes.

(E)(1) A completed voter registration portion of an application for a state motor vehicle driver's license accepted at a state motor vehicle authority must be transmitted to the county board of voter registration and elections no later than ten days after the date of acceptance.

(2) If a registration application is accepted within five days before the last day for registration to vote in an election, the application must be transmitted to the county board of voter registration and elections not later than five days after the date of acceptance.

HISTORY: 1996 Act No. 466, Section 1, eff August 21, 1996.

7-5-325. Address changes given under oath; fraud; penalties.

Any change of address submitted by an elector for registration or voting purposes as provided by Sections 7-5-320(D), 7-5-330(F)(2)(a), and 7-5-440, and any other written notification of change of address signed by an elector are considered to be given under oath. An elector convicted of fraudulently providing such change of address is guilty of violating Section 7-25-10 and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

HISTORY: 1999 Act No. 103, Section 3, eff June 30, 1999.

7-5-330. Completion through disposition of voter registration application; discretionary removal.

(A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than thirty days before the date of the election.

(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than thirty days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than thirty days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than thirty days before the date of the election. (E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7-5-330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters <u>on the ground that the qualified elector has changed residence</u> unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) "Notice", as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than thirty days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the

qualified elector is registered, information as to how the qualified elector can re-register to vote. (3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection. (4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election. HISTORY: 1996 Act No. 466, Section 1, eff August 21, 1996.

7-5-340. Duties of State Election Commission respecting removal of elector from official list.

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.

HISTORY: 1996 Act No. 466, Section 1, eff August 21, 1996.

52 U.S.C.A. Section 20507. Requirements with respect to administration of voter registration

(a) In general

In the administration of voter registration for elections for Federal office, each State shall-(1) ensure that any eligible applicant is registered to vote in an election-

(A) in the case of registration with a motor vehicle application under section 20504 of this title, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 20505 of this title, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except-

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) 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 registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d); (5) inform applicants under sections 20504, 20505, and 20506 of this title of-

(A) voter eligibility requirements; and

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

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of voter registration

Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office-

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.]; and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual-

(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.

(c) Voter removal programs

- (1) A State may meet the requirement of subsection (a)(4) by establishing a program under which-
 - (A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and
 - (B) if it appears from information provided by the Postal Service that-

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude-

(i) the removal of names from official lists of voters on a basis described in paragraph

- (3)(A) or (B) or (4)(A) of subsection (a); or
- (ii) correction of registration records pursuant to this chapter.

(d) Removal of names from voting rolls

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant-

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) Procedure for voting following failure to return card

(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant-

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of voting address within a jurisdiction

In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal court

(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 20509 of this title of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include-

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and
- (E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Omitted

(i) Public disclosure of voter registration activities

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) "Registrar's jurisdiction" defined

For the purposes of this section, the term "registrar's jurisdiction" means-

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

(Pub. L. 103–31, §8, May 20, 1993, 107 Stat. 82, Pub. L. 107–252, title IX, §903, Oct. 29, 2002, 116 Stat. 1728.)

References in Text

The Voting Rights Act of 1965, referred to in subsec. (b)(1), is <u>Pub. L. 89–110, Aug. 6, 1965, 79 Stat.</u> <u>437</u>, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Codification

Section was formerly classified to section 1973gg–6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 8 of Pub. L. 103–31. Subsec. (h) of section 8 of Pub. L. 103–31 enacted section 3629 of Title 39, Postal Service, and amended sections 2401 and 3627 of Title 39.

Amendments

2002-Subsec. (b)(2). Pub. L. 107–252 inserted before period at end ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual-

"(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then "(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office".