**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3068**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Companion/Similar bill(s): 22, 252, 3060, 3633

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Absentee ballot

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑41

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑41

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3068_20081209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY CAST HIS BALLOT IN PERSON WITHOUT EXCUSE DURING AN EARLY VOTING PERIOD; TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT; TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS; TO REQUIRE THE DESIGNATION OF EARLY VOTING CENTERS AT LEAST THIRTY DAYS BEFORE THE ELECTION; AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30‑4‑80; AND TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO DELETE THE AUTHORIZATION THAT AN APPLICATION MAY BE REQUESTED IN PERSON FOUR DAYS BEFORE AN ELECTION AND AUTHORIZING AN ABSENTEE APPLICATION MAY BE REQUESTED ONLY ON THE DAY BEFORE THE ELECTION.

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

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

“Section 7‑13‑25. (A) For purposes of this section, ‘election’ means a statewide primary or general election.

(B) Notwithstanding the provision of this chapter or Chapter 5 of this title, the State Election Commission shall establish a procedure by which a qualified elector may cast his ballot in person, without excuse, during an early voting period. The qualified elector may accomplish this at an early voting center in his county of residence.

(C) Early voting centers shall allow duly registered voters of that county to vote outside their precinct.

(D) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(E) A qualified elector, who is registered, may cast his ballot in person at an early voting center established by the authority charged by law with conducting an election.

(F) The early voting period shall begin fifteen days before the statewide primary or general election and end two days before it.

(G)(1) The authority charged by law with conducting an election shall determine the locations and hours of operation for early voting centers.

(2) These locations and hours of operation for the early voting centers must be posted in accordance with the provisions of Section 30‑4‑80.

(3) The authority charged by law with conducting an election shall designate the location of early voting centers in the county at least thirty days before the election.

(H) All diligence must be given in locating early voting centers to ensure convenient and accessible facilities in which to vote.”

SECTION 2. Section 7‑15‑330, as last amended by Act 193 of 1989, is further amended to read:

“Section 7‑15‑330. To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board, or at an extension office of the board of registration as established by the county governing body, for the county of the voter’s residence. A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, in order to vote by mail, completed applications must be returned to the county registration board in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration. The board of registration shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 3. This act takes effect upon approval by the Governor.

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