**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3633**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Harrell, Harrison, Sandifer, Cato, Owens, White, Cooper, Duncan and Bingham

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Companion/Similar bill(s): 22, 252, 3060, 3068

Introduced in the House on February 26, 2009

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

Summary: Absentee ballot

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑110

2/26/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑111

**VERSIONS OF THIS BILL**

[2/26/2009](file:///p:\pprever\2009-10\3633_20090226.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, THEIR HOURS OF OPERATION, AND REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30‑4‑80; 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 BY A MEMBER OF THE IMMEDIATE FAMILY OF THE ELECTOR OR AN AUTHORIZED REPRESENTATIVE AND DELETE THE PROVISION ALLOWING A PERSON TO VOTE IN PERSON BY ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑340, AS AMENDED, RELATING TO THE FORM OF THE APPLICATION FOR AN ABSENTEE BALLOT, TO REMOVE ALL MENTION OF REASON TO VOTE ABSENTEE, EXCEPT FOR CERTAIN FEDERAL PURPOSES; TO AMEND SECTION 7‑15‑370, AS AMENDED, RELATING TO FURNISHING BALLOTS AND ENVELOPES, TO REMOVE ALL MENTION OF QUALIFICATIONS TO RECEIVE AN ABSENTEE BALLOT; AND TO REPEAL SECTION 7‑15‑470 RELATING TO THE AUTHORIZATION OF A COUNTY BOARD OF REGISTRATION TO USE OTHER METHODS OF VOTING BY ABSENTEE BALLOT INSTEAD OF PAPER BALLOT.

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 on the Thursday before the statewide primary or general election and end on the Saturday before it. Early voting centers must be open from 7:00 a.m. to 7:00 p.m. Thursday and Friday and on Saturday from 8:00 a.m. to 5:00 p.m.

(G) The authority charged by law with conducting an election shall determine the locations and hours of operation for early voting centers. These locations and hours of operation for the early voting centers must be posted in accordance with the provisions of Section 30‑4‑80.

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

(I) All early voting elections must comply with the provisions of Section 7‑13‑710.”

SECTION 2. Section 7‑15‑330 of the 1976 Code, 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, 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. Section 7‑15‑340 of the 1976 Code, as last amended by Act 236 of 2004, is further amended to read:

“Section 7‑15‑340. (A) The application required in Section 7‑15‑330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except ~~that persons listed in Section 7‑15‑320(2), (3), (6), and (10) may use~~ Standard Form 76, or any subsequent form replacing it, may be used if it is provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if the qualified elector is already registered, for any of the following persons:

(1) members of the Armed Forces and Merchant Marine of the United States, their spouses, and dependants residing with them;

(2) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependants residing with them;

(3) governmental employees, their spouses, and dependants residing with them; and

(4) overseas citizens.

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

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

SECTION 4. Section 7‑15‑370 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑370. (A) Upon receipt of the ballots and envelopes, the county registration board ~~must~~, as soon as possible, shall furnish the following items to each person ~~qualified to receive an absentee ballot and~~ who has validly completed a written application for an absentee ballot:

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

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

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

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

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

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

(C) If absentee ballots are not available at the time the voter requests one, the board of registration ~~must~~ shall provide a blank ballot to allow the voter to write in his:

(1) selections of candidates;

(2) selection of party, if he wishes to vote straight party ticket; and

(3) support or opposition of any ballot measure.”

SECTION 5. Section 7‑15‑470 of the 1976 Code is repealed.

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

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