**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4286**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith, Kirsh and Hutto

Document Path: l:\council\bills\dka\3805dw10.docx

Companion/Similar bill(s): 3631

Introduced in the House on January 12, 2010

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

Summary: Absentee ballots

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2009 House Prefiled

12/15/2009 House Referred to Committee on **Judiciary**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑59

1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑60

**VERSIONS OF THIS BILL**

[12/15/2009](file:///p:\pprever\2009-10\4286_20091215.docx)

**A** **BILL**

TO AMEND SECTION 7‑15‑220 AND SECTIONS 7‑15‑380, 7‑15‑385, AND 7‑15‑420, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CASTING A BALLOT BY MEANS OF AN ABSENTEE BALLOT, SO AS TO DELETE THE REQUIREMENT THAT THE SIGNATURE OR MARK OF AN ABSENTEE APPLICANT OR VOTER BE WITNESSED.

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

SECTION 1. Section 7‑15‑220 of the 1976 Code is amended to read:

“Section 7‑15‑220. The oath, a copy of which is required by item (2) of Section 7‑15‑200 to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, ~~shall~~ must be signed by the absentee ballot applicant ~~and witnessed~~. The oath ~~shall~~ must be in the following form:

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

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

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ ~~19~~ 20 \_\_

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Address of Witness~~’”

SECTION 2. Section 7‑15‑380 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑380. The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant ~~and witnessed~~. ~~The address of the witness shall appear on the oath.~~ ~~In the event~~ If the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark ~~and have the mark witnessed by someone designated by the voter~~. The oath must be in the following form:

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

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

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, ~~19~~ 20 \_\_

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Address of Witness~~’”

SECTION 3. Section 7‑15‑385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑385. Upon receipt of the ballot or ballots, the absentee ballot applicant ~~must~~ shall mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’ which in turn must be placed in the return‑addressed envelope. The applicant ~~must~~ shall then return the return‑addressed envelope to the board of registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of registration at the time the envelope is returned. The voter ~~must~~ shall sign the form, or ~~in the event~~ if the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark ~~and have the mark witnessed by someone designated by the voter~~. The authorization must be preserved as part of the record of the election, and the board of registration ~~must~~ shall note the authorization and the name of the authorized returnee in the record book required by Section 7‑15‑330. A candidate or a member of a candidate’s paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter’s immediate family as defined in Section 7‑15‑310. The oath ~~set forth~~ as provided in Section 7‑15‑380 must be signed ~~and witnessed~~ on each returned envelope. The board of registration ~~must~~ shall record in the record book required by Section 7‑15‑330 the date the return‑addressed envelope with ~~witnessed~~ oath and enclosed ballot or ballots is received by the board. The board ~~must securely~~ shall store the envelopes securely in a locked box within the office of the registration board.”

SECTION 4. Section 7‑15‑420 of the 1976 Code, as a last amended by Act 284 of 2006, is further amended to read:

“Section 7‑15‑420. The county election commission, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7‑13‑70, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county registration board making certain that each oath has been properly signed ~~and witnessed and includes the address of the witness~~. All return‑addressed envelopes received by the county registration board before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed ~~and witnessed~~ nor may any ballot be counted which is received by the county registration board after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant ~~must~~ shall notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return‑addressed envelope must not be opened, but must be put aside and the procedure ~~set forth~~ provided for in Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.”

SECTION 5. This act takes effect upon approval by the Governor.

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