~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 14, 2009

**H. 3418**

Introduced by Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge

S. Printed 5/14/09--S.

Read the first time March 4, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3418) to amend Section 7‑13‑710, as amended, Code of Laws of South Carolina, 1976, relating to the presentation of a person’s proof of his right to vote, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE ‘SOUTH CAROLINA ELECTION REFORM ACT’; TO AMEND SECTION 7‑13‑710 OR THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56‑1‑3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7‑13‑25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETES THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7‑1‑25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7‑5‑230 TO REFERENCE REVISIONS TO SECTION 7‑1‑25.

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

SECTION 1. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid and current:

(1) South Carolina driver’s license; ~~or~~

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles; ~~,if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector~~

(3) passport;

(4) military identification containing a photograph issued by the federal government; or

(5) employee identification card containing a photograph of the voter, which is issued by the federal government, this State, or a political subdivision of this State.

(B) After presentation of the required identification described in subsection (A), ~~his~~ the elector’s name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7‑13‑830.

(D)(1) If an elector does not produce a valid photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the county board of registration and elections and affirm that: (a) the elector is the same individual who personally appeared before the polling precinct; (b) cast the provisional ballot on election day; and (c) has a religious objection to being photographed. This affidavit must be filed with county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged solely for the inability to provide proof of identification and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot.”

SECTION 2. Section 7‑5‑125 of the 1976 Code of Laws is amended to read:

“Section 7-15-125 (A) Any person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.”

SECTION 3. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by any person five years of age or older who is a resident of South Carolina, the Department of Motor Vehicles shall issue a special identification card, as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

(B)(1) The fee for the issuance and renewal of the special identification card is five dollars for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C)  ~~and the~~ The identification card expires five years from the date of issuance.  ~~The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section “indigent” means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(D) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State Non‑Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 4. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

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

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish at least one early voting center. The early voting center must be supervised by election commission employees who will serve as poll managers.

(E) The early voting period begins fifteen days before an election and ends three days prior to the election.

(F) The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open at least one Saturday within the early voting period for statewide primaries and general elections.

(G) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A CRIME THAT WILL BE CAUGHT AND PROSECUTED’.”

SECTION 5. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

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

(2) 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;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board 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;

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

(6) 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;

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

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

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

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

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

(12) 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 United States Code, Title 42, Section 1973ff, et seq; and

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 6. Section 7‑15‑320 of the 1976 Code of Laws is amended to read:

“Section 7-15-320 (A) Any qualified elector may vote during the early voting period pursuant to Section 7‑13‑25.

(B) A qualified elector ~~in any of the following categories~~ must be permitted to vote by absentee ballot by mail in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person in any of the following categories ~~except that physically disabled persons, certified poll watchers, poll managers, county voter registration board members and staff, and county election commission members and staff working on election day, a person admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before an election, and persons whose employment obligations required that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board, and persons confined to a jail or pre‑trial facility pending disposition of arrest or trial may vote by absentee ballot whether or not absent from their county of residence~~:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

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

(4) persons in employment;

(5) physically disabled persons;

(6) governmental employees, their spouses, and dependents residing with them;

(7) ~~electors with a death or funeral in the family within a three day period before the election;~~

(~~8~~) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day);

(~~9~~8) certified poll watchers, poll managers, county voter registration board members and staff, countyand state election commission members and staff working on election day;

(~~10~~9) overseas citizens;

(~~11~~10) persons attending sick or physically disabled persons;

(~~12~~11) ~~persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;~~

persons who will be serving as jurors in a state or federal court on election day;

(~~14~~12) persons sixty‑five years of age or older;

(~~15~~13) persons confined to a jail or pre‑trial facility pending disposition of ~~arrest or~~ trial.

(C) A person with the following circumstances must be permitted to vote by absentee ballot pursuant to Section 7-15-330(D):

(1) admission to a hospital as an emergency patient on the day of an election or within a four day period before an election;

(2) discovery within a four day period before an election that unanticipated employment obligations require the person to be at his place of employment on election day;

(3) death or funeral in the family within a four day period before the election;

(4) confinement in a jail or other correctional facility pending disposition of arrest.”

SECTION 7. Section 7‑15‑330 of the 1976 Code of Laws is amended to read:

“Section 7-15-330 (A) To vote by absentee ballot, a qualified elector or a member of his immediate family as defined by Section 7‑15‑310(8), 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 who is an authorized representative of a qualified elector, as defined by Section 7‑15‑310(7), may request~~ing~~ 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.

(B) 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.

(C) 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 five 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.~~

(D) Notwithstanding the provisions of subsection (A), if an elector meets the requirements of 7‑15‑320(C), the elector, a member of the elector’s immediate family, as defined by Section 7‑15‑310(8) or authorized representative, as defined by 7‑15‑310(7), may obtain an application from the registration board on the day before the election. If an immediate family member or authorized representative receives the ballot, he must deliver it personally to the elector and the immediate family member or authorized representative must return the completed absentee ballot to the board of registration by the time the polls close on election day.

(E) The board of registration shall serially number each absentee ballot application form and keep a record ~~book~~ ~~in which must be recorded~~ of 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 nine 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~~.

(F) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.

SECTION 8. Section 7‑15‑340 of the 1976 Code of Laws is amended to read:

“Section 7-15-340. 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)~~ (9) may use Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

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

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

SECTION 9. Section 7‑15‑385 of the 1976 Code of Laws is amended to read:

“Section 7-15-385 (A) Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’, which in turn must be placed in the return‑addressed envelope. The applicant must then return the return‑addressed envelope to the board of registration by mail if the absentee ballot was obtained pursuant to Section 7‑15‑330(A) or by personal delivery or by authorizing another person to return the envelope for him if the absentee ballot was obtained pursuant to 7‑15‑330(C)~~, by personal delivery, or by authorizing another person to return the envelope for him~~. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of registration at the time the envelope is returned. The voter must sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of registration must ~~note~~ record the authorization and the name of the authorized returnee ~~in the record book~~ as required by Section 7‑15‑330.

(B) 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.

(C) The oath set forth in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of registration must record, ~~in the record book~~ as 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.

(D) The board must securely store the envelopes in a locked box within the office of the registration board.”

SECTION 10. Section 7‑15‑470 of the 1976 Code of Laws is hereby repealed.

SECTION 11. Section 7‑1‑25 of the 1976 Code of Laws is amended to read:

“Section 7-1-25 (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 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.”

SECTION 12. Section 7‑5‑230 of the 1976 Code of Laws is amended to read:

“Section 7-5-230. (A) The boards of registration 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 board of registration 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 ~~may~~ must consider the provisions of Section 7‑1‑25(D) ~~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~~.

(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 board of registration 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.”

SECTION 13. The General Assembly finds that all the provisions contained in this act related to one subject as required by Article III, Section 17 of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 14. The provisions of this act are not severable. If any section, subsection, item, subitem, paragraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, it is to be conclusively presumed that the General Assembly would not have enacted any section, subsection, item, subitem, paragraph, sentence, clause, phrase or word of this act without the other provisions in this act and therefore this act in its entirety will be deemed invalid.

SECTION 15. This act takes effect January 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III ROBERT FORD

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

State Election Commission

A review of this bill by the commission indicates there will be a cost to the General Fund of the State of approximately $110,000 for voter education, on-line poll manager training and updating handbooks.

Department of Motor Vehicles

The department indicates this bill will have a onetime impact of $3,520 for cost associated with programming and testing of the system to accommodate the requirements of this bill.

South Carolina Department of Transportation (SCDOT)

As amended by House Judiciary, the bill strikes the later portion of Section 56-1-3350, which directs funding to the SCDOT State Non-Federal Aid Highway Fund. As a result, the SCDOT indicates this would have a negative impact on the department’s revenue stream and other funds expenditure levels.

**SPECIAL NOTES:**

The State Election Commission requests funding for primary and statewide general elections, and if this bill is enacted, these additional expenditures would be included as part of its budget request.

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this or any other bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 7‑13‑710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

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

SECTION 1. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid South Carolina driver’s license, ~~or~~ other form of identification containing a photograph issued by the Department of Motor Vehicles, ~~if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector~~ or a passport or military identification issued by the federal government. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(B) If the elector cannot produce a valid South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles or a passport or military identification issued by the federal government as required in subsection (A), the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration prior to certification by the county board of canvassers.”

SECTION 2. Section 7‑17‑10 of the 1976 Code, as last amended by Act 261 of 2002, is further amended to read:

“Section 7‑17‑10. The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat ~~on the Friday next following the election, before one o’clock in the afternoon of~~ ten days from the date of the general election, after noon on that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 3. Section 7‑17‑220 of the 1976 Code, as last amended by Act 276 of 1992, is further amended to read:

“Section 7‑17‑220. Unless otherwise provided in Section 7‑3‑10(c), the Board of State Canvassers shall meet at the office of the Election Commission ~~within ten days after any general election~~ no more than five days after the commissioners of election meet pursuant to Section 7‑17‑10 for the purpose of canvassing the vote for all officers voted for at such election, including the vote for the electors for President and Vice‑President, and for the purpose of canvassing the vote on all Constitutional Amendments and questions and other issues.”

SECTION 4. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by ~~any~~ a person five years of age or older who is a resident of South Carolina, the Department of Motor Vehicles shall issue a special identification card, at no charge, as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

~~The fee for the issuance of the special identification card is five dollars, and the identification card expires five years from the date of issuance. The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section “indigent” means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(B) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

~~The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State Non‑Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 5. This act takes effect January 1, 2010.

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