~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 4, 2010

**H. 4207**

Introduced by Reps. Clemmons and Wylie

S. Printed 2/4/10--H. [SEC 2/5/10 2:21 PM]

Read the first time January 12, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4207) to amend Section 7‑5‑120, as amended, Code of Laws of South Carolina, 1976, relating to the qualifications for registration to vote, so as to authorize, 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, in Section 7‑5‑120 of the 1976 Code, as contained in SECTION 1, by striking subsection (C), beginning on line 9, page 2 and inserting:

/ “(C) If a United States citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where the person’s parent is a qualified elector; provided the person is not registered to vote in any other state or territory of the United States.” /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 7‑5‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS FOR REGISTRATION TO VOTE, SO AS TO AUTHORIZE A UNITED STATES CITIZEN OUTSIDE THE UNITED STATES UNDER CERTAIN CONDITIONS TO BE ELIGIBLE TO REGISTER AND VOTE WHERE HIS PARENT IS A QUALIFIED ELECTOR; AND TO AMEND SECTION 7‑15‑110, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO AUTHORIZE A PERSON TO VOTE BY ABSENTEE BALLOT IF HE OR A PARENT LAST RESIDED IN THIS STATE IMMEDIATELY BEFORE HIS OR HIS PARENT’S DEPARTURE FROM THE UNITED STATES.

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

SECTION 1. Section 7‑5‑120 of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“Section 7‑5‑120. (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.

(C) If a United States citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where the person’s parent is a qualified elector.”

SECTION 2. Section 7‑15‑110 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑110. The following persons are qualified to register to vote using the Standard Form 76, or ~~any~~ a subsequent form replacing it, provided by the federal government:

(1) members of the Armed Forces of the United States;

(2) members of the Merchant Marine of the United States;

(3) ~~a person~~ persons serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of ~~his~~ a person’s residence in South Carolina;

(4) members or employees of any department of the United States Government serving overseas;

(5) ~~a citizen~~ citizens of the United States residing outside the United States:

(a) if ~~he~~ a citizen or his parent last resided in South Carolina immediately before his or his parent’s departure from the United States;

(b) if ~~he~~ a citizen could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements ~~which~~ that are consistent with the Uniformed And Overseas Absentee Voting Act (Public Law 99‑410).”

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

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