**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4937**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Funderburk

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Introduced in the House on March 1, 2012

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

Summary: Elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/1/2012 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj%20archive\2012\03-01-12.docx))

3/1/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\hj%20archive\2012\03-01-12.docx))

**VERSIONS OF THIS BILL**

[3/1/2012](file:///p:\pprever\2011-12\4937_20120301.docx)

**A** **BILL**

TO AMEND SECTIONS 7‑13‑330, 7‑13‑1340, AND 7‑13‑1640, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO ELECTIONS, SO AS TO DELETE THE PROVISIONS THAT PROVIDE FOR STRAIGHT PARTY TICKET VOTING FOR GENERAL ELECTION BALLOTS, STRAIGHT TICKET VOTING ON ANY TYPE OF RECORDER, AND VOTING FOR ALL OF THE CANDIDATES OF ONE PARTY BY USE OF A VOTING MACHINE.

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

SECTION 1. Section 7‑13‑330 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑330. (A) The arrangement of general election ballots containing the names of candidates for office must conform as nearly as possible to the following plan, with a column or columns added in case of nomination by petition and a blank column added for write‑in votes, and must contain the specified instructions there set forth and no other:

GENERAL ELECTION OFFICIAL BALLOT

No. \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, SOUTH CAROLINA

November \_\_\_, \_\_\_\_\_

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

Initials of Issuing Officer

OFFICIAL BALLOT

GENERAL ELECTION

\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ County, South Carolina

November \_\_\_, \_\_\_\_\_

Precinct \_\_\_\_\_\_\_\_\_\_

INSTRUCTIONS‑‑~~To vote a straight party ticket, make a cross (X) in the circle (O) under the name of your party. Nothing further need or should be done. To vote a mixed ticket, or in other words for candidates of different parties or petition candidates, omit making a cross (X) mark in the party circle at the top and~~ Make a cross (X) in the voting square [ ] opposite the name of each candidate on the ballot for whom you wish to vote. If you wish to vote for a candidate not on ~~any~~a ticket, write or place the name of ~~such~~ the candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside of the ballot.

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Nomination by

Name of Party Name of Party Petition

Names of Office ~~0~~ ~~0~~

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STATE Governor Governor Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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Lieutenant Lieut. Governor Lieut. Governor Lieut. Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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Secretary of Sec. of State Sec. of State Sec. of State

State [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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CONGRES‑ U.S. Senator U.S. Senator U.S. Senator

SIONAL [ ] Name of [ ] Name of [ ] Name of

Senator Candidate Candidate Candidate

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Representative U.S. Repre‑ U.S. Repre‑ U.S. Repre‑

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[ ] Name of [ ] Name of [ ] Name of

District Candidate Candidate Candidate

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(B) Notwithstanding another provision of law, general election ballots in this State may not allow straight party ticket voting after July 1, 2012, except as provided by federal law for uniformed and overseas citizens voting a straight party ticket on a write‑in absentee ballot for national offices.”

SECTION 2. Section 7‑13‑1340 of the 1976 Code, as last amended by Act 223 of 2006, is further amended to read:

“Section 7‑13‑1340. A vote recorder or optical scan voting device must not be adopted or used unless it:

(a) provides facilities for voting for the candidates as may be nominated and upon the questions as may be submitted;

(b) ~~permits each elector, at other than primaries, to vote a straight party or body ticket, in one operation; and, in one operation, to vote for all the candidates of one party or body for every office to be voted for, except those offices as to which the elector votes for individual candidates;~~

~~(c)~~ permits each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

~~(d)~~(c) permits each elector to vote, at any election, for any person and for any office for whom and for which the elector is lawfully entitled to vote, whether or not the name of the person or persons appears upon a ballot label as a candidate for election, and to vote for as many persons for an office as the elector is entitled to vote for, and to vote for or against any question upon which the elector is entitled to vote;

~~(e)~~(d) precludes, when used in conjunction with a tabulating machine, the counting of votes for ~~any~~a candidate, or upon ~~any~~a question, for whom or upon which an elector is not entitled to vote, and precludes the counting of votes for more persons for ~~any~~an office than the elector is entitled to vote for or for fewer than the elector is required to vote for, and precludes the counting of votes for ~~any~~a candidate for the same office or upon ~~any~~a question more than once;

~~(f)~~(e) permits voting in absolute secrecy, so that a person shall not see or know for whom any other elector has voted or is voting, except an elector whom the person has assisted or is assisting in voting, as prescribed by law;

~~(g)~~(f) is constructed of material of good quality, in a neat and workmanlike manner;

~~(h)~~(g) records, when properly operated, correctly and accurately every vote cast;

~~(i)~~(h) is constructed so that an elector may readily learn the method of operating it;

~~(j)~~(i) is safely transportable; and

~~(k)~~(j) if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1330(C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.”

SECTION 3. Section 7‑13‑1640 of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“Section 7‑13‑1640. (A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

(1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at ~~any~~an election, for or against as many questions as may be submitted at ~~any~~an election~~, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties~~;

(2) permit the voter to vote for as many persons for ~~any~~an office as he is lawfully entitled to vote for, but no more;

(3) prevent the voter from voting for the same person more than once for the same office;

(4) permit the voter to vote for or against ~~any~~a question he may have the right to vote on, but no other;

(5) if used at a primary election, be so equipped that all rows except those of the voter’s party can be locked out by the managers of election by means of an adjustment on the outside of the machine;

(6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;

(7) be provided with a ‘protective counter’ or ‘protective device’ whereby any operation of the machine before or after the election will be detected;

(8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; and

(10) ensure voting in absolute secrecy.

(B) A machine must be provided with a device for each party and for each nomination by petition for voting for presidential and vice‑presidential candidates in one operation and listing the candidates by name and by party or indicating the candidate is nominated by petition.

(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.”

SECTION 4. This act takes effect upon approval by the Governor.

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