~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 30, 2012

**H. 4945**

Introduced by Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J.H. Neal, Dillard, Bannister, G.R. Smith, Bowers, Cobb‑Hunter, Delleney, Hixon, Long, Pope and Young

S. Printed 5/30/12--S.

Read the first time April 24, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4945) to amend the Code of Laws of South Carolina, 1976, by adding Section 7-5-185 so as to authorize a person to register to vote electronically on the, 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 all after the enacting words and inserting:

/ SECTION 1. Section 7-5-170(1) of the 1976 Code is amended to read:

“(1) Written application required. ‑‑No person may be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application ~~as required by this section~~ must not be open to public inspection.”

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑185 (A) A person who is qualified to register to vote and who has a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received thirty days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver’s license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant’s signature from his driver’s license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) An application submitted pursuant to this section must contain the applicant’s name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: ‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.’ An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles and that the number for that driver’s license or identification card provided by the applicant matches the number for that person’s driver’s license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission shall immediately notify the applicant of the failure to match information and inform them that their application for registration was not accepted.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑186.(A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.

(2)(a) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide any information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission is confidential in the possession of the entity providing the data remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

(c) A county board of registration shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under division (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this division, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

SECTION 4. Section 7-3-20(C) of the 1976 Code is amended to read:

“(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) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 5. Section 7-3-30 of the 1976 Code is amended to read:

“Section 7-3-30. (a) The executive director shall notify by mail each elector at the address last filed in the office, whose name has been deleted for the reasons of conviction or a change in the residence of a qualified voter. The notice shall state the reason for the deletion and inform the elector of his right to appeal to the county board of registration and the time in which to perfect such appeal. A copy of such notice shall be forwarded to the appropriate county board of registration.

(b) Each elector whose name has been deleted has twenty days from the date the notice is mailed to appeal. The appeal must be to the county board of registration from whose master file the deletion has been made. If the board determines that the elector's name should not have been deleted, it shall instruct the ~~central registration office~~ Executive Director to restore his name to the registration books; however, if the deletion is for conviction, the appeal must be to the Executive Director of the State Election Commission.”

SECTION 6. Section 7-3-40 of the 1976 Code is amended to read:

“Section 7-3-40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide ~~that~~ this information ~~be furnished to it by each county~~ at no charge.”

SECTION 7. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7-3-70(a) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who have surrendered their driver’s license or identification card and obtained a driver’s license or identification card in another state. All reports must contain the name of the driver or identification cardholder, social security number, date of birth, South Carolina county where previously a resident and the state in which the license or identification card was surrendered. The department must provide this information at no charge.

(b) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who were reported as deceased by Social Security Administration. All reports must contain the name, social security number, date of birth, and date of death. The department must provide this information at no charge.”

SECTION 8. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost of Federal and/or Other Funds (See Below)

**EXPLANATION OF IMPACT:**

State Election Commission

The commission indicates there is a fiscal impact to the general fund of $53,000 in recurring costs. These costs include postage and postcards to inform voters made inactive. Nonrecurring costs are estimated at $65,000 for changes to the Voter Registration System and to the Pew Center for States.

Department of Health & Environmental Control (DHEC)

The department currently provides death data on a monthly basis as required by Section 7-3-40 of the Code of Laws of South Carolina, 1976. Therefore, this bill would have no impact on the agency or on the state general fund if no additional information is needed. However, the bill declares that agencies shall provide “any” information the Elections Commission requests. Depending upon the nature of the additional data requested, there could be a significant cost to the agency and to the general fund if re-programming becomes necessary.

Department of Motor Vehicles

The department indicates that this bill will have a one-time cost of approximately $31,000 for contractual services for the Information Technology development and implementation of the requirements of this bill. Since the department is totally other funded. Since the Department of Motor Vehicles is a totally other funded agency, the agency may need the ability to adjust their fee structure to cover these costs.

Department of Employment & Workforce (DEW)

DEW indicates that this bill would impact the agency. However, not knowing the frequency and type of information and data needed, the agency could not accurately assess the impact.

Department of Corrections

The department indicates that this bill will have no fiscal impact on the General Fund of the State, nor federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

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

SECTION 1. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑185.(A) A person who is qualified to register to vote and who has a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received thirty days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver’s license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant’s signature from his driver’s license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) The State Election Commission requires a person who submits an application pursuant to this section to include:

(a) the number of the applicant’s South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles;

(b) applicant’s date of birth;

(c) the last four digits of the applicant’s social security number;

(d) the applicant’s name and address of residency; and

(e) other information the State Election Commission considers necessary to establish the identity of the applicant.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles and that the number for that driver’s license or identification card provided by the applicant matched the number for that person’s driver’s license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles the State Election Commission shall immediately notify the applicant of the failure to match information and inform them that their application for registration was not accepted.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑186.(A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.

(2)(a) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide any information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission is confidential in the possession of the entity providing the data remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

(c) A county board of registration shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under division (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this division, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7-5-187. Notwithstanding another provision of law, the State Election Commission or another entity charged by law with the registration of voters in South Carolina shall only request the last four digits of the social security number of any person seeking to register to vote.”

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

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