**South Carolina General Assembly**

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**H. 3197**

**STATUS INFORMATION**

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Summary: Division of Elections

**HISTORY OF LEGISLATIVE ACTIONS**

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12/18/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 130](file:///h:\HJ%20Archive\2013\01-08-13.docx))

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1/23/2013 House Member(s) request name removed as sponsor: Henderson

**VERSIONS OF THIS BILL**

[12/18/2012](file:///p:\pprever\2013-14\3197_20121218.docx)

**A** **BILL**

TO CREATE THE DIVISION OF ELECTIONS WITHIN THE OFFICE OF SECRETARY OF STATE AND DEVOLVE THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE STATE ELECTION COMMISSION UPON THE DIVISION OF ELECTIONS, INCLUDING PROVISIONS TO RECONSTITUTE THE BOARD OF STATE CANVASSERS TO BE UNDER THE CHAIRMANSHIP OF THE SECRETARY OF STATE TO SERVE ON THE BOARD IN AN EX OFFICIO CAPACITY WITH FOUR ADDITIONAL MEMBERS APPOINTED BY THE GOVERNOR, TWO BEING MEMBERS OF THE LARGEST MAJORITY POLITICAL PARTY REPRESENTED IN THE GENERAL ASSEMBLY AND TWO BEING MEMBERS OF THE LARGEST MINORITY POLITICAL PARTY REPRESENTED IN THE GENERAL ASSEMBLY, BY ADDING SECTION 1‑30‑97 AND TO AMEND SECTIONS 7‑1‑20, 7‑3‑20, 7‑3‑30, 7‑3‑40, ALL AS AMENDED, 7‑3‑50, 7‑3‑60, 7‑5‑10, AS AMENDED, 7‑5‑35, AS AMENDED, 7‑5‑125, 7‑5‑155, 7‑5‑170, 7‑5‑180, 7‑5‑185, 7‑5‑186, ALL AS AMENDED, 7‑5‑280, 7‑5‑310, 7‑5‑330, 7‑5‑340, 7‑5‑470, 7‑5‑660, 7‑5‑675, ARTICLE 3 OF CHAPTER 7 OF TITLE 7, 7‑9‑10, 7‑7‑990, AS AMENDED, 7‑9‑80, 7‑9‑100, AS AMENDED, 7‑11‑15, 7‑11‑20, BOTH AS AMENDED, 7‑11‑40, 7‑11‑50, AS AMENDED, 7‑11‑55, 7‑11‑70, AS AMENDED, 7‑11‑80, 7‑11‑85, 7‑13‑15, AS AMENDED, 7‑13‑40,7‑13‑50, 7‑13‑70, ALL AS AMENDED, 7‑13‑72, 7‑13‑180, 7‑13‑310, 7‑13‑320, AS AMENDED, 7‑13‑325, AS AMENDED, 7‑13‑335, 7‑13‑340, 7‑13‑350, AS AMENDED, 7‑13‑351, 7‑13‑355, BOTH AS AMENDED, 7‑13‑420, 7‑13‑610, AS AMENDED, 7‑13‑611, 7‑13‑710, AS AMENDED, 7‑13‑1160, 7‑13‑1330, AS AMENDED, 7‑13‑1340, 7‑13‑1360, 7‑13‑1370, 7‑13‑1371, AS AMENDED, 7‑13‑1380, 7‑13‑1390, 7‑13‑1400, 7‑13‑1490, 7‑13‑1620, AS AMENDED, 7‑13‑1640, AS AMENDED, 7‑13‑2120, 7‑15‑10, AS AMENDED, 7‑15‑320, 7‑15‑340, 7‑15‑385, 7‑15‑400, 7‑15‑460, ALL AS AMENDED, 7‑15‑470, 7‑17‑90, 7‑17‑210, 7‑17‑220, AS AMENDED, 7‑17‑330, 7‑17‑510, AS AMENDED, 7‑17‑530, 7‑17‑550, 7‑17‑570, 14‑7‑130, ALL AS AMENDED, 14‑7‑150, 14‑7‑390, 14‑25‑155, AS AMENDED, 22‑2‑30, 22‑2‑50, AS AMENDED, 33‑56‑20, 48‑11‑100, 56‑1‑90, AND 61‑6‑2010, SO AS TO AMEND THEM RESPECTIVELY TO CONFORM TO THE CREATION OF THE DIVISION OF ELECTIONS IN THE OFFICE OF SECRETARY OF STATE AND DEVOLUTION OF POWER, DUTIES, AND RESPONSIBILITIES FROM THE STATE ELECTION COMMISSION TO THE DIVISION OF ELECTIONS; AND TO REPEAL SECTION 7‑3‑10 RELATING TO THE STATE ELECTION COMMISSION.

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

SECTION 1. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑97. Effective January 1, 2014, all programs, including all allied, advisory, affiliated, or related entities as well as employees, funds, property, and all contractual rights and obligations associated with the Election Commission as provided in Title 7, except those included in or transferred to another department or division, are transferred to and incorporated in and must be administered as part of the Office of the Secretary of State, Division of Elections. All powers, duties, obligations, and responsibilities of the Election Commission are devolved upon the Office of the Secretary of State, Division of Elections.”

SECTION 2. Section 7‑1‑20(7) and (14) of the 1976 Code, as last amended by Act 245 of 2010, are amended to read:

“(7) ‘Political party’ means a political party, organization, or association certified by the ~~State Election Commission~~ Division of Elections as provided for in this title.;

(14) ‘Voter’, ‘registered voter’, ‘elector’, ‘registered elector’, ‘qualified elector’, or ‘qualified registered elector’ means a person whose name is contained on the active roster of voters maintained by the ~~State Election Commission~~ Division of Elections and whose name has not been removed from the roster for any of the reasons named in Section 7‑3‑20(C)(2) and (3) and who possesses a valid registration certificate.”

SECTION 3. Section 7‑3‑20 of the 1976 Code, as last amended by Act 466 of 1996, is further amended to read:

“Section 7‑3‑20. (A) The ~~State Election Commission~~ Secretary of State shall ~~elect~~ appoint an ~~executive~~ Director of the Division of Elections who ~~shall be~~ is directly responsible to the ~~Commission~~ Secretary of State and who shall serve at the pleasure of the ~~Commission~~ Secretary of State. The ~~executive~~ director ~~shall be~~ is the chief administrative officer for the ~~State Election Commission~~ Division of Elections.

(B) The ~~executive~~ director shall receive such compensation and employ such staff, subject to the approval of the ~~State Election Commission~~ Secretary of State, as may be provided by law.

(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~~ Secretary of State;

(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~~ Secretary of State;

(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;

(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~~ division and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 4. Section 7‑3‑30 of the 1976 Code, as last amended by Act 265 of 2012, is further 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 his appeal. A copy of the notice must 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 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~~ Division of Elections.”

SECTION 5. Section 7‑3‑40 of the 1976 Code, as last amended by Act 265 of 2012, is further 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 this information at no charge.”

SECTION 6. Section 7‑3‑50 of the 1976 Code is amended to read:

“Section 7‑3‑50. Each county board of registration must furnish the ~~executive~~ director information as may be requested by him concerning each registered elector by the fifteenth day of each month and within five days after closing of the books prior to an election.”

SECTION 7. Section 7‑3‑60 of the 1976 Code is amended to read:

“Section 7‑3‑60. The clerks of the courts of common pleas and general sessions and every magistrate in the State must, annually on or before June first, make out under their respective hands and seals and report to the ~~executive~~ director a complete list as shown by the records of their respective offices for the preceding calendar year of all persons convicted in that year of felonies or crimes against the election laws, together with the social security or identification numbers of these persons and the month of conviction. Where there is no person to be reported, the report shall so state. Any clerk of the court or magistrate who fails or neglects to make any report required by this section must forfeit and pay to the county in which he holds office the sum of fifty dollars for each failure or neglect to make the report.”

SECTION 8. Section 7‑5‑10 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑5‑10. (A) Between the first day of January and the fifteenth day of March in each even‑numbered year the Governor shall appoint, by and with the advice and consent of the Senate, not less than three nor more than five competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Registration of County’. The Governor shall notify the ~~State Election Commission~~ Division of Elections in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

Any appointment made by the Governor to fill a vacancy for an unexpired term when the Senate is not in session is made pursuant to Section 1‑3‑210.

(B)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the ~~State Election Commission~~ division. When a member or staff person has successfully completed the training and certification program, the ~~State Election Commission~~ division must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

(2)(a) The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).

(b) Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:

(i) eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or

(ii) ninety days after the effective date of this section.

(c) On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.

(3) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(4) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or ~~commission~~ division, must take at least one training course each year.”

SECTION 9. Section 7‑5‑35 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑5‑35. (A) If a county operates its elections through a combined election and registration commission, the structure and composition are not affected or changed by the provisions of this section. However, the provisions for inclusion of majority and minority party representatives upon the combined commission and upon the expanded commission as constituted for primary elections and protests must be applied to the combined commission, mutatis mutandis.

(B)(1) Each commissioner, and each staff person designated by the commission, must complete, within eighteen months after a commissioner’s initial appointment or his reappointment after a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the ~~State Election Commission~~ Division of Elections. When a commissioner or staff person has successfully completed the training and certification program, the ~~State Election Commission~~ division must issue the commissioner or staff person a certification, whether or not the commissioner or staff person applies for the certification.

(2)(a) The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).

(b) Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:

(i) eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or

(ii) ninety days after the effective date of this section.

(c) On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.

(3) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(4) Following completion of the training and certification program required in item (1), each commission member, and staff person designated by the commission, must take at least one training course each year.”

SECTION 10. Section 7‑5‑125 of the 1976 Code, as amended by Act 27 of 2011, is further amended to read:

“Section 7‑5‑125. (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~~ Division of Elections.

(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 11. Section 7‑5‑155 of the 1976 Code, as last amended by Act 466 of 1996, is further amended to read:

“Section 7‑5‑155. (a) Notwithstanding any other provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of Section 7‑5‑150, any qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty days before any election to his registration board. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration must accept the application if it is received by mail no later than five days after the close of the registration books before any election.

(2) If the registration board determines that the applicant is qualified and his application is legible and complete, the registration board shall mail the voter written notification of approval on a form to be prescribed and provided by the ~~State Election Commission~~ Division of Elections pursuant to Section 7‑5‑180. When the county board of registration mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector’s signature is not required so long as the conditions set forth above are met.

(3) Any application must be rejected for any of the following reasons:

(i) any portion of the application is not complete;

(ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;

(iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.

(4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the board of registration or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the ~~State Election Commission~~ division pursuant to Section 7‑5‑180.

(b) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

(c) The ~~State Election Commission~~ division shall furnish a sufficient number of application forms to the county boards of voter registration and voter registration agencies specified in Section 7‑5‑310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of registration shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

(d) The original applications must remain on file in the office of the county board of registration.

(e) The ~~State Election Commission~~ Secretary of State through its Division of Elections may promulgate regulations to implement the provisions of this section.”

SECTION 12. Section 7‑5‑170(2) of the 1976 Code, as last amended by Act 90 of 1993, is further amended to read:

“(2) Form of application. ‑‑ The application must be on a form prescribed and provided by the ~~executive~~ director and shall contain the following information: 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 take the following oath: ‘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.’ Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.”

SECTION 13. Section 7‑5‑180 of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“Section 7‑5‑180. Except as otherwise provided by law, a person who has not attained the age of eighteen years before the closing of the books of registration preceding any election, including presidential primary elections, but attains that age before the next ensuing election appears before the board of registration and makes application for registration, under oath as to the facts above stated entitling a person to registration, the board shall register the applicant, if he is otherwise qualified. Any person not laboring under the disabilities named in the Constitution and in Section 7‑5‑120 and whose qualification as an elector is completed after the closing of the registration books, but before the next ensuing election, has the right to apply for and secure registration at any time within one hundred twenty days immediately preceding the closing of the books for the election or for the primary election preceding the election. Written notification of approval or rejection must be issued personally or mailed by the board to each applicant on a form to be prescribed and provided by the ~~State Election Commission~~ Division of Elections. The decision of the board of registration may be appealed as provided by Section 7‑5‑230.”

SECTION 14. Sections 7‑5‑185 and 7‑5‑186 of the 1976 Code, as added by Act 265 of 2012, are amended to read:

“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~~ Division of Elections.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the ~~State Election Commission~~ division 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~~ division 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 a 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~~ division 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~~ division immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.

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

Section 7‑5‑186. (A)(1) The ~~State Election Commission~~ Division of Elections shall establish and maintain a statewide voter registration database that must be administered by the ~~commission~~ division 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 information and data to the ~~State Election Commission~~ division that the ~~commission~~ division 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~~ division shall ensure that any information or data provided to the ~~State Election Commission~~ division, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the ~~State Election Commission~~ division.

(b) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must 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 subsection (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~~ division may enter into agreements to share information or data with other states or groups of states, as the ~~commission~~ division considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the ~~commission~~ division shall ensure that any information or data provided to the ~~commission~~ division that is confidential in the possession of the state providing the data remains confidential while in the possession of the ~~commission~~ division. The ~~commission~~ division 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 15. Section 7‑5‑280 of the 1976 Code is amended to read:

“Section 7‑5‑280. The applications provided for in this article as well as all other forms necessary for registration, must be furnished to each county by the ~~State Election Commission~~ Division of Elections.”

SECTION 16. Section 7‑5‑310(F)(2)(a)(v) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(v) the statement, ‘If you believe that someone has interfered with your right to register or decline to register to vote, your privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the ~~State Election Commission~~ Division of Elections.’ The name, address, and telephone number of the ~~Executive~~ Director of the ~~State Election Commission~~ Division of Elections must be printed on the form; and”

SECTION 17. A. Section 7‑5‑330(E)(2) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the board of voter registration as undeliverable, the elector to whom it was sent must be reported by the board to the ~~State Election Commission~~ Division of Elections. The ~~State Election Commission~~ division must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7‑5‑330(F).”

B. Section 7‑5‑330(F)(1) of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“(1) The ~~State Election Commission~~ Division of Elections may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration’s record of the qualified elector’s address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.”

SECTION 18. Section 7‑5‑340 of the 1976 Code, as added by Act 466 of 1996, is amended to read:

“Section 7‑5‑340. The ~~State Election Commission~~ Division of Elections shall:

(1) ensure that the name of a qualified elector may not be removed from the official list of eligible voters except:

(a) at the request of the qualified elector;

(b) if the elector is adjudicated mentally incompetent by a court of competent jurisdiction; or

(c) as provided under item (2);

(2) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:

(a) the death of the qualified elector; or

(b) a change in the residence of the qualified elector;

(3) inform applicants under Sections 7‑5‑155, 7‑5‑310, and 7‑5‑320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

(4) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official lists of eligible voters in compliance with the provisions of Section 7‑5‑330(F); this subitem may not be construed to preclude:

(a) the removal of names from official lists of voters on a basis described in items (1) and (2); or

(b) correction of registration records pursuant to this article.”

SECTION 19. Section 7‑5‑470 of the 1976 Code is amended to read:

“Section 7‑5‑470. The board of registration may divide the registration books into as many separate sections as shall be directed by the county committee of any political party, the cost of such additional separate section or sections to be borne by such county committee. The books constituting a separate section or sections shall first be approved by the ~~State Election Commission~~ Division of Elections.”

SECTION 20. Section 7‑5‑660 of the 1976 Code is amended to read:

“Section 7‑5‑660. The ~~Executive~~ Director of the ~~State Election Commission~~ Division of Elections must, along with the county board of registration in each county, prepare duplicate sets of books of registration for each ward or each precinct, showing the duly registered electors, according to the county registration books, living in each particular ward or precinct in the municipality.”

SECTION 21. Section 7‑5‑675 of the 1976 Code, as added by Act 27 of 2011, is amended to read:

“Section 7‑5‑675. The ~~State Elections Commission~~ Division of Elections shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only.”

SECTION 22. Article 3, Chapter 7, Title 7 of the 1976 Code is amended to read:

“Article 3

Alteration of Precincts

Section 7‑7‑710. The ~~State Election Commission~~ Division of Elections shall report the names of all polling precincts by county that have more than one thousand five hundred registered electors as of January first to the General Assembly not later than the fourth Tuesday of each odd‑numbered year. If, by April first of the same year, the General Assembly has failed to alter the precincts so that no precinct shall have more than one thousand five hundred qualified electors the ~~State Election Commission~~ Division of Elections shall notify the respective county registration boards which shall make such alterations as necessary to conform all precincts to such limitations. Provided, that precincts isolated by water shall not be required to meet minimum requirements.

Section 7‑7‑720. (A) A person whose registration is transferred to another precinct by virtue of the provisions of this article must be notified by mail by the county board of voter registration of the transfer.

(B) A person whose notification is returned to the board of registration as undeliverable must be reported by the board to the ~~State Election Commission~~ Division of Elections. The ~~State Election Commission~~ Division of Elections must place the elector in an inactive status on the master file and may remove this elector’s name from inactive status upon compliance with the provisions of Section 7‑5‑330(F).

Section 7‑7‑730. When a precinct has more than seven hundred fifty registered electors, the precinct list must be divided alphabetically so that no list contains more than seven hundred fifty electors and separate managers and facilities are provided within the polling place for each list of electors. Local registration boards dividing precincts alphabetically shall notify the ~~State Election Commission~~ Division of Elections of this division so that separate alphabetically arranged poll lists may be printed by the commission. Upon completion of the above, the provisions of Section 7‑7‑710 are considered to be complied with regardless of the number of electors in the precinct. Nothing in this section prevents the alteration of precincts pursuant to Section 7‑7‑710 where the General Assembly or local registration boards consider this alteration advisable.”

SECTION 23. Section 7‑7‑190(C) of the 1976 Code, as last amended by Act 339 of 2006, is further amended to read:

“(C) If an alternative polling place outside of the precinct is selected pursuant to subsection (B) of this section, the authority charged by law with conducting the election shall certify in writing to the ~~State Election Commission~~ Division of Elections that no other location within the precinct is available for use as a polling place and that the selection of a polling place was made with consideration of the distance electors would have to travel to vote.”

SECTION 24. Section 7‑7‑990B. of the 1976 Code, as last amended by Act 494 of 1992, is further amended to read:

“B. For every election the ~~State Election Commission~~ Division of Elections shall furnish to the proper county or party officials a separate roster of those handicapped electors registered to vote at the barrier‑free polling place, and the county election officials shall ensure that election managers are designated to staff the barrier‑free polling place. Such roster shall also contain appropriate precinct and district references for each voter when practical and reasonable.”

SECTION 25. Section 7‑9‑10 of the 1976 Code is amended to read:

“Section 7‑9‑10. Political parties desiring to nominate candidates for offices to be voted on in a general or special election shall, before doing so, have applied to the ~~State Election Commission (Commission)~~ Division of Elections (division) for certification as such. Parties shall nominate candidates of that party on a regular basis, as provided in this title, in order to remain certified. Any certified political party that fails to organize on the precinct level as provided by Section 7‑9‑50, hold county conventions as provided by Sections 7‑9‑70 and 7‑9‑80, and hold a state convention as provided by Section 7‑9‑100; that fails to nominate candidates for national, state, multi‑county district, countywide, or less than countywide office by convention or party primary as provided by Sections 7‑11‑20, 7‑11‑30, and 7‑13‑40; and that fails to certify the candidates as provided by Section 7‑13‑350 in at least one of two consecutive general elections held on the first Tuesday following the first Monday in November of an even‑numbered year, or that fails to nominate and certify candidates in any other election which might be held within the period of time intervening between the two general elections, must be decertified by the ~~State Election Commission~~ division. The party must be notified in writing of its decertification at the last address of record. If the notification of decertification is returned as undeliverable, it must be placed on file in the office of the ~~State Election Commission and with the~~ division.

Any decertified party or any noncertified party, organization, or association may obtain certification as a political party at any time by filing with the ~~Commission~~ division a petition for the certification signed by ten thousand or more registered electors residing in this State, giving the name of the party, which must be substantially different from the name of any other party previously certified.

No petition for certification may be submitted to the ~~Commission~~ division later than six months prior to any election in which the political party seeking certification wishes to nominate candidates for public office.

At the time a petition is submitted to the ~~Commission~~ division for certification, the ~~Commission~~ division shall issue a receipt to the person submitting the petition which reflects the date the petition was submitted and the total number of signatures contained therein. Once the petition is received by the ~~Commission~~ division, the person submitting the petition shall not submit or add additional signatures.

If the ~~Commission~~ division determines, after checking the validity of the signatures in the petition, that it does not contain the required signatures of registered electors, the person submitting the petition must be notified and shall not submit any new petition seeking certification as a political party under the same name for one year from the date the petition was rejected.

Once a petition for certification has been submitted and rejected by the ~~Commission~~ division, the same signatures may not be submitted in any subsequent petition to certify a new political party.

Once submitted for verification, a petition for certification may not be returned to the political party, organization, or association seeking certification, but shall become a part of the permanent records of the ~~Commission~~ division.”

SECTION 26. Section 7‑9‑80 of the 1976 Code is amended to read:

“Section 7‑9‑80. Each county convention shall be called to order by the county chairman and shall proceed to elect a temporary president, a temporary secretary and a committee on credentials for the purpose of organizing. When organized, it shall elect a permanent president, a secretary and treasurer. It shall also elect the county chairman, the county vice‑chairman and a member of the State committee from the county and as many delegates to the State convention as triple the number of members from the county in the House of Representatives, plus one. But county conventions at their discretion may elect double the number of delegates in which case each delegate shall have one‑half vote. The secretary of the convention shall keep a record of the proceedings in the minute book.

All officers except delegates shall be reported to the clerk of court of the county and to the ~~Secretary of State~~ Division of Elections prior to the state convention. The reports shall be public record.”

SECTION 27. Section 7‑9‑100 of 1976 Code, as last amended by Act 136 of 1989, is further amended to read:

“Section 7‑9‑100. The state convention shall meet at a location in this State determined by the state committee to have adequate facilities during a thirteen‑month period ending May fifteenth of every general election year on a day and at a time fixed by the state committee and announced publicly at least ten days before the meeting. The state committee shall notify the delegates to the state convention of the accommodations that are available for the delegates during the convention. This listing must be as complete as practicable and must include the accommodations in close proximity to the convention site as well as any other accommodations that are chosen by the state committee. This notice must include the name and location of the accommodations, the cost per day, and any discounts or surcharges that are applicable during the period of the convention. Should the state committee fix the date for the state convention in a nongeneral election year, it must be held for the purpose of reorganization only. The convention to be held for the purpose of nominating candidates for public office to be filled in the general election must be held in the general election year. At the time that the state committee sets the date for the state convention it shall set what month during the twelve‑month period ending March thirty‑first of every general election year that the county convention must be held. If it sets a month in a nongeneral election year for the county conventions to be held for the purpose of reorganization, it must set a month during the general election year for the county convention to be reconvened for the purpose of nominating candidates for public office to be filled in the general election. Sufficient advance notice of the month set for county conventions must be given to county executive committees so that the public notices required by law may be met. The convention must be composed of delegates elected by the county conventions. Each county is entitled to one delegate for each six thousand residents of the county, according to the latest official United States Census, plus two additional members. If a county has a fractional portion of population of at least three thousand residents above its last six thousand resident figure it is entitled to an additional delegate. When the state convention assembles, it must be called to order by the chairman of the state committee. A temporary president must be nominated and elected by the convention, and after its organization the convention shall proceed immediately to the election of permanent officers and to the transaction of business. When the business has concluded it shall adjourn sine die, or may recess. The state chairman may recall the state convention into special session at any time he determines appropriate.

The officers of the state convention must be a president, vice president, two secretaries, and a treasurer. Each county delegation to a state convention may fill any vacancies therein. Any county failing or refusing to organize under the provisions of this title may not have representation in the state convention. The state officers must be reported to the ~~Secretary of State and to the State Election Commission~~ Division of Elections within fifteen days of their election and the reports must be public record.”

SECTION 28. Section 7‑11‑15 of the 1976 Code, as last amended by Act 3 of 2003, is further amended to read:

“Section 7‑11‑15. In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy between noon on March sixteenth and noon on March thirtieth as provided in this section.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the state executive committee of their respective party.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party in the county of their residence. The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy with the county executive committee of their respective party.

Except as provided herein, the county executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all statements of intention of candidacy with the county election commission by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the ~~State Election Commission~~ Division of Elections by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy has not been filed with the county election commission or ~~State Election Commission~~ Division of Elections, as the case may be, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy.

The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the ~~State Election Commission~~ Division of Elections. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. It must be filed in triplicate by the candidate, and the political party committee with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the ~~State Election Commission~~ Division of Elections, as the case may be.

If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 29. Section 7‑11‑20 of the 1976 Code, as last amended by Act 81 of 2007, is further amended to read:

“Section 7‑11‑20. (A) Except as provided in subsection (B), party conventions or party primary elections held by political parties certified as such by the ~~State Election Commission~~ Division of Elections pursuant to the provisions of this title to nominate candidates for any of the offices to be filled in a general or special election must be conducted in accordance with the provisions of this title and with party rules not in conflict with the provisions of this title or of the Constitution and laws of this State or of the United States.

(B)(1) Except as provided in item (2), a certified political party wishing to hold a presidential preference primary election may do so in accordance with the provisions of this title and party rules. However, notwithstanding any other provision of this title, the state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements. If a party holds a presidential preference primary election on a Saturday, an absentee ballot must be provided to a person who signs an affirmation stating that for religious reasons he does not wish to take part in the electoral process on a Saturday.

(2) For the 2008 election cycle, if the state committee of a certified political party which received at least five percent of the popular vote in South Carolina for the party’s candidate for President of the United States decides to hold a presidential preference primary election, the ~~State Election Commission~~ division must conduct the presidential preference primary in accordance with the provisions of this title and party rules provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding any other provision of this title, (a) the ~~State Election Commission~~ division and the authorities responsible for conducting the elections in each county shall provide for cost‑effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the ~~State Election Commission~~ division the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and such candidate’s name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the ~~State Election Commission~~ division, for each candidate certified by a political party must be transmitted by the respective political party to the ~~State Election Commission~~ division and must be used for conducting the presidential preference primaries.

(3) The political party shall give written notice to the ~~State Election Commission~~ division of the date set for the party’s presidential preference primary no later than ninety days before the date of the primary.

(4) Nothing in this section prevents a political party from conducting a presidential preference primary for the 2008 election cycle pursuant to the provisions of Section 7‑11‑25.”

SECTION 30. Section 7‑11‑40 of the 1976 Code is amended to read:

“Section 7‑11‑40. Notwithstanding any other provision of law, if a political party in this State shall nominate candidates by party primary election, the person with whom candidates of that party for the House of Representatives file shall report to the ~~State Election Commission~~ Division of Elections the names and addresses of all candidates so filing within twenty‑four hours after the close of the filing period for the House of Representatives.”

SECTION 31. Section 7‑11‑50 of the 1976 Code, as last amended by Act 256 of 2006, is further amended to read:

“Section 7‑11‑50. If a party nominee who was nominated by a method other than party primary election dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in this section and sufficient time does not remain to hold a convention to fill the vacancy or to nominate a nominee to enter a special election, the respective state or county party executive committee may nominate a nominee for the office, who must be duly certified by the respective county or state chairman.

‘Legitimate nonpolitical reason’ as used in this section is limited to:

(a) reasons of health, which include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued;

(b) family crises, which include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business;

(c) substantial business conflict, which includes the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his capability to carry out properly the functions of the office being sought.

A candidate who withdraws based upon a legitimate nonpolitical reason which is not covered by the inclusions in (a), (b) or (c) has the strict burden of proof for his reason. A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his reason by sworn affidavit.

This affidavit must be filed with the state party chairman of the nominee’s party and also with the election commission of the county if the office concerned is countywide or less and with the ~~State Election Commission~~ Division of Elections if the office is statewide, multi‑county, or for a member of the General Assembly. A substitution of candidates is not authorized, except for death or disqualification, unless the election commission or Division of Elections to which the affidavit is submitted approves the affidavit as constituting a legitimate nonpolitical reason for the candidate’s resignation within ten days of the date the affidavit is submitted to the commission. However, where this party nominee is unopposed, each political party registered with the ~~State Election Commission~~ division has the privilege of nominating a candidate for the office involved. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election. If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D). ”

SECTION 32. Section 7‑11‑55 of the 1976 Code, as added by Act 81 of 1991, is amended to read:

“Section 7‑11‑55. If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7‑11‑50 and was selected through a party primary election, the vacancy must be filled in a special primary election to be conducted as provided in this section. The filing period for this special primary election opens the second Tuesday after the death, disqualification, or approval of the resignation for one week. The special primary election then must be conducted on the second Tuesday immediately following the close of the filing period. A runoff, if necessary, must be held two weeks after the first primary. The nomination must be certified not less than two weeks before the date of the general election. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election.

If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D).

The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7‑11‑50.

Where the party nominee was unopposed, each political party registered with the ~~State Election Commission~~ Division of Elections has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section.”

SECTION 33. Section 7‑11‑70 of the 1976 Code, as last amended by Act 405 of 1984, is further amended to read:

“Section 7‑11‑70. A candidate’s nominating petition for any office in this State shall contain the signatures of at least five percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate is required to furnish the signatures of more than ten thousand qualified registered electors for any office. The official number of qualified registered electors of the geographical area of any office must be the number of registered electors of such area registered one hundred twenty days prior to the date of the election for which the nomination petition is being submitted.

The petition must be certified to the ~~State Election Commission~~ Division of Elections in the case of national, state, circuit, and multicounty district offices; with the county election commission in the case of countywide or less than countywide offices with the exception of municipal offices; with the clerk of a municipality in case of a municipal office, and the certified petition shall constitute and be kept as a public record.”

SECTION 34. Section 7‑11‑80 of the 1976 Code is amended to read:

“Section 7‑11‑80. (A) All nominating petitions for any political office or petition of any political party seeking certification as such in the State of South Carolina shall be standardized as follows:

(1) Shall be on good quality original bond paper sized 8 1/2 ‘X 14’.

(2) Shall contain a concise statement of purpose; in the case of nomination of candidates, the name of the candidate, the office for which he offers and the date of the election for such office shall be contained in such petition.

(3) Shall contain in separate columns from left to right the following:

(a) Signature of voter and printed name of voter;

(b) Address of residence where registered; and

(c) Precinct of voter.

(4) No single petition page shall contain the signatures of registered voters from different counties.

(5) All signatures of registered voters shall be numbered consecutively.

(6) Petitions with more than one page must have the pages consecutively numbered upon filing with the appropriate authority.

(B) The ~~State Election Commission~~ Division of Elections may furnish petition forms to the county election officials and to interested persons.”

SECTION 35. Section 7‑11‑85 of the 1976 Code is amended to read:

“Section 7‑11‑85. Every signature on a petition requiring five hundred or less signatures must be checked for validity by the respective county board of voter registration against the signatures of the voters on the original applications for registration on file in the registration board office. When a petition requires more than five hundred signatures, every one of the first five hundred signatures must be checked for validity and at least one out of every ten signatures thereafter beginning with the five hundred and first signature must be checked for validity. If the projected number of valid signatures, using this percentage method for the signatures over five hundred plus the number of valid signatures in the first five hundred, total at least the number of signatures required by law on the petition, it must be certified as a valid petition. No petition, however, may be rejected if the number of signatures over five hundred checked using the percentage method plus the number of valid signatures in the first five hundred does not total at least the number required by law. If insufficient signatures are found using the percentage method in order to certify as a valid petition, the board of voter registration must check every signature over five hundred separately, or such number over five hundred until the required number of valid signatures is found.

If it is a petition seeking to certify a new political party or if the office for which the petition has been submitted comprises more than one county, and using the percentage method of checking does not result in the required number of valid signatures, the ~~executive~~ director of the ~~Commission~~ Division of Elections shall designate which counties must check additional signatures.

No signatures on a petition may be rejected if the address of a voter, registration certificate number of a voter, or the precinct of a voter, as required by Section 7‑11‑80, is missing or incorrect if the signature is otherwise valid. The signature of a voter may only be rejected if it is illegible and cannot be found in the records of the board of voter registration, is missing from the petition, or is not that of the voter, or if the registration of the voter has been deleted for any of the reasons named in items (2) or (3) of Subsection (C) of Section 7‑3‑20.

The board of voter registration shall complete a summary form containing the results of checking any petition and must give the completed form to the requesting authority. The form used for this purpose must be prescribed and provided by the ~~executive~~ director.”

SECTION 36. Section 7‑13‑15 of the 1976 Code, as last amended by Act 81 of 2007, to further amended to read:

“Section 7‑13‑15. (A)(1) This section does not apply to municipal primaries.

(2) This section does not apply to presidential preference primary elections for the Office of President of the United States, which are provided for in Section 7‑11‑20(B).

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the ~~State Election Commission~~ Division of Elections and the county election commissions on the second Tuesday in June of each general election year:

(1) primaries for national offices, excluding the presidential preference primaries for the Office of President of the United States, which are provided for in Section 7‑11‑20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.”

SECTION 37. Section 7‑13‑40 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the ~~State Election Commission~~ Division of Elections and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the ~~State Election Commission~~ division or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April ninth, or if April ninth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission or Division of Elections of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. Political parties must not accept the filing of any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate desires to file, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the ~~State Election Commission~~ division and placed by the ~~executive~~ director of the ~~commission~~ division in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 38. Section 7‑13‑50 of the 1976 Code, as last amended by Act 253 of 1992, is further amended to read:

“Section 7‑13‑50. A second primary, when necessary, must be held two weeks after the first and is subject to the rules governing the first primary. At the second primary the two candidates among those who do not withdraw their candidacies and who received more votes in the first primary than any other remaining candidate alone shall run for any one office and if only one candidate remains, he is considered nominated, except that if there are two or more vacancies for any particular office, the number of candidates must be double the number of vacancies to be filled if so many candidates remain. In all second primaries the candidate receiving the largest number of votes cast for a given office must be declared the nominee for the office whether or not he has received a majority of the votes cast for that office, and when there are several candidates for several different offices, then the several candidates receiving the largest number of votes for the several positions are considered as nominated for the offices whether or not they received a majority of the votes cast. Other primaries, if necessary, must be ordered in a similar manner by the county election commission or the ~~State Election Commission~~ Division of Elections, as appropriate.”

SECTION 39. Section 7‑13‑70 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑13‑70. (A) For the purpose of carrying on general or special elections provided for in Section 7‑13‑10, the Governor, at least ninety days before the election, must appoint for each county not less than three nor more than five commissioners of election upon the recommendation of the senatorial delegation and at least half of the members of the House of Representatives from the respective counties. The Governor must notify the ~~State Election Commission~~ Division of Elections in writing of the appointments. The ~~State Election Commission~~ division must verify that at least one of the appointees represents the largest political party and one represents the second largest political party as determined by the composition of that county’s delegation in the General Assembly or the makeup of the General Assembly as a whole if the county’s delegation is composed of only one party’s members. The commissioners shall continue in office until their successors are appointed and qualified. After their appointment, the commissioners must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.

(B) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(C)(1) Each commissioner, and each staff person as designated by the ~~commission~~ division, must complete, within eighteen months after the commissioner’s initial appointment or his reappointment after a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the ~~State Election Commission~~ division. When a commissioner or staff person has successfully completed the training and certification program, the ~~State Election Commission~~ division must issue the commissioner or staff person a certification, whether or not the commissioner or staff person applies for the certification.

(2)(a) The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).

(b) Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:

(i) eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or

(ii) ninety days after the effective date of this section.

(c) On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.

(3) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(4) Following completion of the training and certification program required in item (1), each ~~commission~~ division member, and staff person designated by the ~~commission~~ division, must take at least one training course each year.”

SECTION 40. Section 7‑13‑72 of the 1976 Code, as added by Act 465 of 1996, is amended to read:

“Section 7‑13‑72. For the general election held on the first Tuesday following the first Monday in November in each even‑numbered year, the commissioners of election must appoint three managers of election for each polling place in the county for which they must respectively be appointed for each five hundred electors, or portion of each five hundred electors, registered to vote at the polling place.

For primary elections held on the second Tuesday in June of each general election year, the commissioners of election must appoint three managers of election for each polling place in the county for which they must respectively be appointed for the first five hundred electors registered to vote in each precinct in the county, and may appoint three additional managers for each five hundred electors registered to vote in the precinct above the first five hundred electors, or portion thereof. The commissioners must also appoint from among the managers a clerk for each polling place in the county, and none of the officers may be removed from office except for incompetence or misconduct.

For all other primary, special, or municipal elections, the authority charged by law with conducting the primary, special, or municipal elections must appoint three managers of election for the first five hundred electors registered to vote in each precinct in the county, municipality, or other election district and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred electors. The authority responsible by law for conducting the election must also appoint from among the managers a clerk for each polling place in a primary, special, or municipal election.

Forty‑five days prior to any primary, except municipal primaries, each political party holding a primary may submit to the county election commission a list of prospective managers for each precinct. The county election commission must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. However, the county election commission may refuse to appoint any prospective manager for good cause.

No person may be appointed as a manager in a primary, general, or special election who has not completed a training program approved by the ~~State Election Commission~~ Division of Elections concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program. The training program and the issuance of certification must be carried out by the county election commission. After their appointment, the managers and clerks must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.

The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State. Before opening the polls, the managers of election must take and subscribe the oath provided for in Section 7‑13‑100. Upon the completion of the canvassing of votes, this oath must be filed with the commissioners of election along with the ballots from that election precinct.”

SECTION 41. Section 7‑13‑180 of the 1976 Code is amended to read:

“Section 7‑13‑180. Whenever an amendment to the Constitution of this State shall be voted upon at any election, the commissioners of election of each county in the State shall have such amendment conspicuously posted at each voting precinct in the county upon the day of the election. Such printed amendments shall be furnished to the commissioners of election by the ~~Secretary of State~~ Division of Elections.”

SECTION 42. Section 7‑13‑310 of the 1976 Code is amended to read:

“Section 7‑13‑310. In the general elections provided for in Section 7‑13‑10, there shall be four kinds of ballots called, respectively: ‘Official Ballot for Presidential Elector’; ‘Official Ballot for State Offices, United States Senator and Members of Congress’; ‘Official Ballot for State Senator, Member of the House of Representatives, County, Circuit and Other Offices’ and ‘Official Ballot on Constitutional Amendments or other Propositions Submitted.’ Each such kind of ballot shall be printed upon different colored paper as shall be provided for by the ~~executive~~ director.”

SECTION 43. Section 7‑13‑320 of the 1976 Code, as last amended by Act 223 of 2006, is further amended to read:

“Section 7‑13‑320. General election ballots shall conform to the following standards and specifications:

(A) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the ~~State Election Commission~~ Division of Elections. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;

(B) Across the top of the ballot shall be printed ‘Official Ballot, General Election,’ beneath which shall be printed the date of the election, the county and the precinct. Above the caption of each ballot shall be one stub, with a perforated line between the stub and the top of the ballot. The stub shall have printed thereon ‘Official Ballot, General Election’ and then shall appear the name of the county, the precinct and the date of the election. On the right side there shall be a blank line under which there shall be ‘Initials of Issuing Officer.’ Stubs on ballots for each precinct shall be prenumbered consecutively, beginning with No. 1;

(C) On the ballot for presidential electors there shall be printed, under the titles of the offices, the names of the candidates for President and Vice President of the United States nominated by each political party qualified under the provisions of Section 7‑9‑10 and those nominated by petition. A separate column shall be assigned to each political party with candidates and to each separate petition slate of candidates on the ballot and each party and each petition candidate’s columns shall be separated by distinct black lines. At the head of each column the party or petition name shall be printed in large type and below it a circle, one‑half inch in diameter, and below the circle the names of the party’s and petition candidates for President and Vice President in that order. On the face of the ballot above the party and petition candidate’s column division the following instruction shall be printed in heavy black type:

a. To vote this ballot make a cross (X) mark in the circle below the name of the political party or petition column for whose candidates you wish to vote.

b. A vote for the names of a political party’s candidates or petition candidates for President and Vice President is a vote for the electors of that party or petition candidates, the names of whom are on file with the Secretary of State.

On the bottom of the ballot shall be printed an identified facsimile of the signature of the ~~Executive~~ director of the ~~State Election Commission~~ division.

(D) The names of candidates offering for any other office shall be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county or other office.

(E) The names of the several officers to be voted for and the tickets of the parties and petition candidates shall be placed on the ballots in an order as arranged by the ~~State Election Commission~~ division as to those ballots for which it is responsible for distribution and by the commissioners of election for the respective counties as to the ballots for which they are responsible for distribution, including those for State Senator and member of the House of Representatives. If the State Senator or member of the House of Representatives or any other officer is to be elected from more than one county, the commissioners of election from the various counties from which they are to be elected shall assure that there shall be uniformity of placement on the ballots of their respective counties and should the commissioners fail to agree within sixty days prior to the general election, and upon receipt of written certification by at least one commissioner, that they have failed to act, the ~~State Election Commission~~ division shall determine the order of placing the names on the ballots.

(F) Each county election commission must provide a copy of each ballot style to be used for primary, general, and special elections in the absentee precinct in the county to the ~~Executive~~ director of the ~~State Election Commission~~ division not later than September fifteenth in the case of general elections, and not later than forty days prior to the date of the election in the case of special and primary elections. If the ballot styles are not available by these deadlines, the ~~executive~~ director must determine when absentee ballots for that county will be available. If a determination is made that absentee ballots will not be available in sufficient time to adequately effectuate absentee voting, the ~~executive~~ director is empowered to direct the county board of voter registration to provide the blank ballots provided by Section 7‑15‑360 until the regular ballots are available. The ~~executive~~ director must also notify the chairman of the county’s legislative delegation of his findings and the action taken.”

SECTION 44. Section 7‑13‑325 of the 1976 Code, as last amended by Act 106 of 1989, is further amended to read:

“Section 7‑13‑325. The name of a candidate authorized by law to appear on a ballot in a general, special, or primary election in this State for any office may be one of the following or a combination of them:

(1) the candidate’s given name;

(2) a derivative of the candidate’s given name properly acquired under the common law and used in good faith for honest purposes; or

(3) a nickname which bears no relation to the candidate’s given name but which is used in good faith for honest purposes and does not exceed fifteen letters on the ballot.

The derivative name or nickname may not imply professional or social status, an office, or military rank.

A candidate wanting to use a derivative name or a nickname, as permitted by items (2) and (3), respectively, of this section, shall notify the authority responsible by law for conducting the election, in writing, before a deadline for receiving or certifying candidates’ names for inclusion on the ballot, the name he wishes to have appear and shall present evidence required by the authority conducting the election that the name indicated is his derivative name or nickname. In deciding whether the name indicated is the candidate’s derivative name or nickname, the authority conducting the election shall consider appropriate criteria, including, but not limited to, the following:

(a) whether the name is the designation by which the candidate is usually and commonly known in the community in which he resides or called by other persons;

(b) whether the name is the designation by which the candidate calls himself or which he has adopted;

(c) whether the name is the designation under which the candidate transacts private and official business.

The ~~State Election Commission~~ Division of Elections may promulgate regulations to carry out the provisions of the section, including, but not limited to, forms to be completed by the candidate and the deadline by which a candidate shall indicate the name he wished to have appear on the ballot.”

SECTION 45. Section 7‑13‑335 of the 1976 Code, as added by Act 242 of 1996, is amended to read:

“Section 7‑13‑335. The ~~State Election Commission~~ Division of Elections or the local entity responsible for printing general or special election ballots or the arrangement of a ballot by mechanical or electronic means shall conform these ballots to the requirements of Section 7‑13‑330. The names of candidates in nonpartisan and at‑large, multi‑seat races must be listed in alphabetical order.”

SECTION 46. Section 7‑13‑340 of the 1976 Code is amended to read:

“Section 7‑13‑340. All ballots cast in general elections for national, State, county, municipal, district and circuit officers in the towns, counties, districts, circuits, cities and other political divisions shall be printed and distributed at public expense. The printing and distribution of all ballots, other than the county, State Senator, member of the House of Representatives, local or circuit ballots herein designated, the ballots for elections in cities and towns and the ballots for election on bonds or other local measures, shall be arranged and handled by the ~~State Election Commission~~ Division of Elections and shall be paid for by the State. The ~~State Election Commission~~ division shall have all necessary ballots for elections for presidential electors, State officers, United States Senators and members of Congress printed, and shall deliver such ballots to the various county commissioners of election at least ten days prior to the date of the election and the county commissioners of election shall place such ballots in ballot boxes for distribution to the election managers of the various precincts.

The printing and distribution of ballots in all State Senate, member of the House of Representatives, county, local and circuit elections shall be arranged and handled by the commissioners of election of the several counties and shall be paid for by the respective counties, and the commissioners of election shall place such ballots in ballot boxes for distribution to the election managers of the various precincts. The printing and distribution of ballots in all municipal elections shall be arranged and handled by the municipal authorities conducting such elections and shall be paid for by the municipalities.

The terms ‘municipal’ and ‘municipalities’ as used in this section shall be construed to include school districts, public service districts and like political subdivisions.”

SECTION 47. Section 7‑13‑350(B) of the 1976 Code, as last amended by Act 3 of 2003, is further amended to read:

“(B) Candidates for President and Vice President must be certified not later than twelve o’clock noon on September tenth to the ~~State Election Commission~~ Division of Elections, or if September tenth falls on Sunday, not later than twelve o’clock noon on the following Monday.”

SECTION 48. The second paragraph of Section 7‑13‑351 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“The petition of any candidate in any special election, including municipal special elections, must be submitted to the authority charged with printing the ballot for those offices not later than twelve o’clock noon on the sixtieth day prior to the date of the holding of the election, or if the sixtieth day falls on Sunday, by not later than twelve o’clock noon on the following Monday. At the time a petition is submitted, the authority charged with accepting it must issue a receipt to the person submitting the petition which must reflect the date the petition was submitted and the total number of signatures contained in the petition. The candidate submitting the petition must certify, on a form designed and provided by the ~~State Election Commission~~ Division of Elections, that he meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The board of voter registration of each respective county must check the petition at the request of the authority charged with printing of the ballots for that office and must certify the results thereof to the authority not later than twelve o’clock noon on the forty‑fifth day prior to the date of holding the election, or if the forty‑fifth day falls on Sunday, by twelve o’clock noon on the following Monday.”

SECTION 49. Section 7‑13‑355 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑355. No question may be submitted to the qualified electors in a referendum held at the time of a general election unless the question is submitted to the appropriate election commission or Division of Elections to be placed on the ballot no later than 12:00 noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.”

SECTION 50. Section 7‑13‑420 of the 1976 Code is amended to read:

“Section 7‑13‑420. The printer with whom the ~~executive~~ director, commissioners of election or other authority, as the case may be, shall contract for the printing of official ballots shall, before the work is commenced, take an oath before the ~~Executive~~ Director of the ~~State Election Commission~~ Division of Elections or the chairman of the commissioners or other authority, as the case may be, who may administer such oath, to the following effect: ‘I, \_\_\_\_\_\_\_\_\_\_, do solemnly swear that I will print (here insert number) ballots according to the instructions of the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_; that I will not print or permit to be printed, directly or indirectly, more than the above number; that I will at once destroy all imperfect and perfect impressions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed I will distribute the type used for such work and that I will not communicate to anyone whomsoever, in any manner whatsoever, the size, style or contents of such ballots.

The above oath shall be reduced to writing and signed by the person taking it and also a similar affidavit shall be required of any employee or other person engaged upon the work or who shall have access to it. Any intentional violation of such oath shall constitute the crime of perjury. Any other violation of the provisions of this section shall be a misdemeanor and punished by a fine of one hundred dollars or imprisonment for thirty days in jail.

Nothing herein contained shall be construed to prohibit the ~~executive~~ director, the commissioners or other authority from publishing or otherwise disclosing the contents, style and size of ballots required to be printed by them which they are respectively authorized and empowered to publish or otherwise disclose.”

SECTION 51. Section 7‑13‑610 of the 1976 Code, as last amended by Act 242 of 1996, is further amended to read:

“Section 7‑13‑610. (A) The ~~State Election Commission~~ Division of Elections and the respective county election commissions shall prepare separate ballots for each political party holding a primary. The ballots for each party must contain in print only the names of the candidates who have filed to run in that particular party primary and must have a stub at the top perforated so as to be easily detached. On the stub must be printed ‘Official state (or county) Ballot, (name of party) Primary’, the name of the county and the precinct, and the date of the primary. On the right side there must be a blank line under which must be printed ‘Initials of Issuing Officer’. Stubs on ballots for each precinct must be numbered consecutively, beginning with ‘No. 1’. The ballots must be furnished by the ~~State Election Commission~~ division for all except members of the General Assembly, county officers, less than county officers, and circuit solicitors, for which the county election commission shall furnish the ballots. One ballot must contain the names of all persons in alphabetical order running for state and federal offices. The other ballot must contain, in alphabetical order, the names of all persons running for the General Assembly, county offices, less than county officers, and solicitors.

(B) Ballots furnished by the ~~State Election Commission~~ division under this section must have marked on them in plain type, both on the stub and on the ballot, the words ‘Official State Ballot’. Ballots furnished by the county election commission under this section must have marked on them in plain type, both on the stub and on the ballot, the words ‘Official County Ballot’.

(C) The ballot must be printed on paper of a thickness so that the printing cannot be distinguished from the back and must be of a size and color as directed by the ~~State Election Commission~~ division. If more than one ballot is to be used in a primary, each ballot must be printed on different colored paper. The ballot must contain a voting square opposite the name of each candidate, and the voter shall vote by putting a mark in the voting square opposite the name of the candidate of his choice. The ~~State Election Commission~~ division may establish, under Chapter 23 of Title 1, such rules and regulations as are necessary for the proper administration of this section.”

SECTION 52. The last paragraph of Section 7‑13‑611 of the 1976 Code, as added by Act 253 of 1992, is amended to read:

“The ~~State Election Commission~~ Secretary of State through its Division of Elections is hereby empowered to promulgate such ~~rules and~~ regulations under Chapter 23 of Title 1 as are necessary for the arrangement of the official county ballot.”

SECTION 53. Section 7‑13‑710(B) of the 1976 Code, as last amended by Act 27 of 2011, is further amended to read:

“(B) After presentation of the required identification described in subsection (A), 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 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~~ Division of Elections. 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.”

SECTION 54. Section 7‑13‑1160 of the 1976 Code is amended to read:

“Section 7‑13‑1160. Within twenty‑four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the ~~State Election Commission~~ Division of Elections of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein.”

SECTION 55. Section 7‑13‑1330 of the 1976 Code, as last amended by Act 63 of 2005, is further amended to read:

“Section 7‑13‑1330. (A) Before any kind of optical scan voting system is used at any election, it must be approved by the ~~State Election Commission~~ Division of Elections, which shall examine the optical scan voting system and make and file in the ~~commission’s~~ division’s office a report, attested by the signature of the ~~commission’s executive~~ director, stating whether, in the ~~commission’s~~ division’s opinion, the kind of optical scan voting system examined may be accurately and efficiently used by electors at elections, as provided by law. An optical scan voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) No kind of vote recorder not approved pursuant to this section shall be used at any election and if, upon the reexamination of any type vote recorder previously approved, it appears that the vote recorder so reexamined can no longer be accurately and efficiently used by electors at elections as provided by law, the approval of the vote recorder must immediately be revoked by the ~~State Election Commission~~ division, and no such type vote recorder shall thereafter be purchased for use or used in this State.

(C) If a vote recorder, including an optical scan voting system, which was approved for use before July 1, 1999, is improved or otherwise changed in a way since its approval that does not impair its accuracy, efficiency, or capacity, the vote recorder may be used in elections. However, if the software, hardware, or firmware of the system is improved or otherwise changed, the system must comply with the requirements of subsection (A).

(D) Any person or company who requests an examination of any type of vote recorder or optical scan voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system and a nonrefundable examination fee of five hundred dollars for an upgrade to any existing system to the ~~State Election Commission~~ division. The ~~State Election Commission~~ division may at any time, in its discretion, reexamine any vote recorder or optical scan voting system when evidence is presented to the ~~commission~~ division that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(E) Any person or company who seeks approval for any vote recorder or optical scan voting system in this State must file with the ~~State Election Commission~~ division a list of all states or jurisdictions in which the system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction’s chief election official; and must disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(F) Any person or company who seeks approval for any vote recorder or optical scan voting system must file with the ~~State Election Commission~~ division copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the ~~State Election Commission~~ division.

(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the ~~State Election Commission~~ division and any county election commission, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

(H) Before an optical scan voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer, at the manufacturer’s expense, with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the ~~State Election Commission~~ division in case the company goes out of business, pursuant to court order, or if the ~~State Election Commission~~ division determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the ~~State Election Commission~~ division that this requirement has been met.

(I) After a vote recorder or optical scan voting system is approved, an improvement or change in the system must be submitted to the ~~State Election Commission~~ division for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer or reader to electronically count and record votes or to a printer to accurately reproduce vote totals.

(J) If the ~~State Election Commission~~ division determines that a vote recorder or optical scan voting system that was approved no longer meets the requirements set forth in subsections (A) and (C) or Section 7‑13‑1340, the ~~commission~~ division may decertify that system. A decertified system shall not be used in elections unless the system is reapproved by the ~~commission~~ division under subsections (A) and (C).

(K) Neither a member of the ~~State Election Commission~~ division, any county election commission or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder, or in the manufacture or sale of the vote recorder.”

SECTION 56. Item (k) of Section 7‑13‑1340 of the 1976 Code, as added by Act 223 of 2006, is amended to read:

“(k) 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~~ Division of Elections in a format and time frame specified by the ~~commission~~ division.”

SECTION 57. Section 7‑13‑1360(c) of the 1976 Code is amended read:

“(c) The form and arrangement of ballot labels shall be prescribed and prepared by the ~~State Election Commission~~ Division of Elections.”

SECTION 58. Section 7‑13‑1370 of the 1976 Code is amended to read:

“Section 7‑13‑1370. Ballot cards shall be of suitable design, size and stock, as prescribed by the ~~State Election Commission~~ Division of Elections, to permit processing by a tabulating machine. A serially‑numbered stub and strip shall be attached to each ballot card in a manner and form similar to that prescribed by law for paper ballots.”

SECTION 59. Section 7‑13‑1371(B) of the 1976 Code, as last amended by Act 418 of 1992, is further amended to read:

“(B) The ~~State Election Commission~~ Division of Elections must establish the form of a sign to be displayed in any polling place utilizing an optical scanning device. This sign must notify voters to vote both sides of the ballot card and must be displayed in three conspicuous places in the polling place.”

SECTION 60. Section 7‑13‑1380 of the 1976 Code is amended to read:

“Section 7‑13‑1380. Electors shall be permitted to cast write‑in votes. The design of the ballot card shall permit the managers in counting the write‑in votes to determine readily whether an elector has cast any write‑in vote not authorized by law. The ~~State Election Commission~~ Division of Elections in specifying the form of the ballot shall provide for ballot secrecy in connection with write‑in votes.”

SECTION 61. Section 7‑13‑1390(c) of the 1976 Code is amended to read:

“(c) On or before the third day preceding an election, the county election officials shall have the tabulating machines tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballot cards clearly marked for such purpose, not to exceed fifty for each candidate or question, so punched or marked as to record a predetermined number of valid votes for each candidate and on each question, and shall include for each office one or more ballot cards which have votes in excess of or less than the number allowed by law in order to test the ability of the tabulating machine to reject such votes. The tabulating machine shall not be approved unless it produces an errorless counting. If any error is detected, the cause therefor shall be ascertained and corrected, and an errorless count shall be made before the machine is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The county election officials or custodian shall also prepare the vote recorders for voting at the various polling places to be used in the election. In preparing the vote recorders, they shall arrange the recorders and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the vote recorders, and file a certificate, as prescribed by the ~~State Election Commission~~ Division of Elections, in the office of the county election officials that the recorders are in proper order with correct ballot labels.”

SECTION 62. Section 7‑13‑1400(b)(3) of the 1976 Code is amended to read:

“(3) A seal for sealing the vote recorder after the polls are closed and such other materials and supplies as may be necessary or as may be required by law or by ~~rules an~~d regulations of the ~~State Election Commission~~ Secretary of State through its Division of Elections.”

SECTION 63. Section 7‑13‑1490 of the 1976 Code is amended to read:

“Section 7‑13‑1490. The ~~State Election Commission~~ Division of Elections shall adopt and promulgate such regulations and instructions and design such forms as it may deem necessary to carry out the purposes of this article. A sufficient number of such regulations, instructions and forms shall be distributed to each county election commission using the voting and counting equipment authorized by the provisions of this article.”

SECTION 64. Section 7‑13‑1620 of the 1976 Code, as last amended by Act 63 of 2005, is further amended to read:

“Section 7‑13‑1620. (A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the ~~State Election Commission~~ Division of Elections, which shall examine the voting system and make and file in the ~~commission’s~~ division’s office a report, attested to by the signature of the ~~commission’s executive~~ director, stating whether, in the ~~commission’s~~ division’s opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) A person or company who requests an examination of any type of voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The ~~State Election Commission~~ division may reexamine any voting system when evidence is presented to the ~~commission~~ division that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(C) A person or company who seeks approval for any type of voting system in this State shall file with the ~~State Election Commission~~ division a list of all states or jurisdictions in which that voting system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction’s chief election official; and disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(D) A person or an individual who seeks approval for any type of voting system shall file with the ~~State Election Commission~~ division copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the ~~State Election Commission~~ division.

(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the ~~State Election Commission~~ division and any county election commission, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(F) Before a voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer’s expense with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the ~~State Election Commission~~ division in case the company goes out of business, pursuant to court order, or if the ~~State Election Commission~~ division determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the ~~State Election Commission~~ division that this requirement has been met.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the ~~State Election Commission~~ division for approval pursuant to this section. This requirement does not apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying.

(H) If the ~~State Election Commission~~ division determines that a voting system that was approved no longer meets the requirements of Title 7, the ~~commission~~ division shall decertify that system. A decertified system must not be used in an election unless it is reapproved by the ~~commission~~ division pursuant to the provisions of Title 7.

(I)(1) A vendor of any voting system that has been approved by the ~~State Election Commission~~ division shall report in writing to the director of the ~~State Election Commission~~ division any decertification, ethical, or technical violations against the voting system in any state within ninety days after the decertification, ethical, or technical violations are issued by the other state. If the vendor does not provide evidence to the ~~State Election Commission’s~~ division’s satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may be decertified.

(2) A vendor seeking the approval of a voting system by the ~~State Election Commission~~ division shall report in writing to the director of the ~~State Election Commission~~ division any decertification, ethical, or technical violations issued against the voting system in any state that have occurred prior to or during the time the vendor seeks approval of the voting system by the ~~State Election Commission~~ division. If the vendor does not provide evidence to the ~~State Election Commission’s~~ division satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may not be approved.

(J) A member of the ~~State Election Commission~~ division, county election commission, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.”

SECTION 65. Section 7‑13‑1640(C) of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“(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~~ Division of Elections in a format and time frame specified by the ~~commission~~ division.”

SECTION 66. Section 7‑13‑2120 of the 1976 Code is amended to read:

“Section 7‑13‑2120. To establish an agency to determine whether or not a proposed constitutional amendment requires a simplified or more detailed explanation as provided for in Section 7‑13‑2110, there is hereby created the Constitutional Ballot Commission composed of the Attorney General, the Director of the ~~State Election Commission~~ Division of Elections and the Director of the Legislative Council. Prior to the printing of ballots in each general election year in which proposed constitutional amendments are voted upon, the Commission shall meet at the call of the Attorney General and:

(1) Consider each proposed amendment and make a determination as to whether or not a simplified or more detailed explanation is necessary or appropriate; and

(2) In those cases where it is determined that an explanation is deemed necessary or appropriate, phrase such explanation and submit it to the ~~State Election Commission~~ division under the signatures of at least a majority of the ballot commissioners. The ~~Election Commission~~ division shall arrange for the placement of amendment explanations on ballots and make them available to the news media, upon request, at least ten days prior to the general election.”

SECTION 67. Section 7‑15‑10 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑10. The ~~State Election Commission~~ Division of Elections is responsible for carrying out the provisions of Article 3 and Article 5 of this chapter. The ~~commission~~ Secretary of State through its Division of Elections may promulgate regulations, and must have drafted, printed, and distributed all forms that are required to make it possible for persons listed in Section 7‑15‑320 to vote by absentee ballot in primary, general, and special elections. Regulations promulgated pursuant to this section must be promulgated in accordance with the Administrative Procedures Act.”

SECTION 68**.** Section 7‑15‑320(B)(3) of the 1976 Code, as amended by Act 43 of 2011, is further amended to read:

“(3) certified poll watchers, poll managers, county voter registration board members and staff, countyand ~~state election commission~~ Division of Elections members and staff working on election day;

SECTION 69. The first paragraph of Section 7‑15‑340 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“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~~ Division of Elections; except that persons listed in Section 7‑15‑320(2), (3), (6), and (10) 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.”

SECTION 70. 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 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, 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~~ Division of Elections 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 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 in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of registration must 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 store the envelopes in a locked box within the office of the registration board.”

SECTION 71. Section 7‑15‑400 of the 1976 Code, as amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑400. (A) A qualified elector of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the ~~State Election Commission~~ Division of Elections.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the ~~State Election Commission~~ division and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the County Board of Registration shall issue the special write‑in absentee ballot which must be prescribed and provided by the ~~State Election Commission~~ division. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for any federal, state, or local office or state or local ballot measure.”

SECTION 72. Section 7‑15‑460 of the 1976 Code, as amended by Act 43 of 2011, is amended to read:

“Section 7‑15‑460. (A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the ~~State Election Commission must~~ Division of Elections, in cooperation with United States government agencies, shall take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots for all elections for federal, state, and local offices to voters in accordance with his preferred method of transmission.

(B) The ~~State Election Commission~~ division shall promulgate regulations necessary for the implementation of this section.”

SECTION 73. Section 7‑15‑470 of the 1976 Code, as added by Act 83 of 2001, is amended to read:

“Section 7‑15‑470. Notwithstanding the provisions of this chapter, a county board of registration may use other methods of voting by absentee ballot instead of by paper ballot. No voting machine or voting system, other than a paper‑based system, may be used for in‑person absentee voting that has not received written certification from the ~~State Election Commission~~ Division of Elections that the voting machine or voting system meets all statutory requirements for use in the State and certification that the machine can be secured against voting at times other than business hours of the county board of registration, that the results of elections can be held secure from release until the time for counting ballots at any polling place, and votes cast using the machine can be challenged and held secure until the hearing on challenged ballots required by Section 7‑13‑830 is held. The ~~State Election Commission~~ Division of Elections must develop standards and guidelines for these purposes.”

SECTION 74. Section 7‑17‑90 of the 1976 Code is amended to read:

“Section 7‑17‑90. Except in the case of the election for electors for President and Vice‑President, duplicate statements shall be made and filed in the office of the clerk of the county or, if there be no such clerk duly qualified according to law, in the office of the ~~State Election Commission~~ Division of Elections.”

SECTION 75. Section 7‑17‑210 of the 1976 Code is amended to read:

“Section 7‑17‑210. The ~~State Election Commission shall, ex officio, constitute the~~ Board of State Canvassers consists of five members as follow:

(1) the Secretary of State to serve ex officio who also shall be the chairman of the board; provided, that the Secretary of State shall not have the right to vote on matters before the board, except in cases of a tie vote among the other four members;

(2) four members appointed by the Governor, two of whom shall be members of the largest majority political party represented in the General Assembly and two of whom shall be members of the largest minority political party represented in the General Assembly. The members appointed by the Governor shall serve for terms coterminous with that of the Governor appointing them and shall serve until their successors are appointed and qualify. Vacancies shall be filled in the manner of original appointment. The appointed members of the board shall received the usual mileage, subsistence, and per diem as is provided by law to members of state boards, commissions, and committees to be paid from funds appropriated to the Office of the Secretary of State.”

SECTION 76. Section 7‑17‑220 of the 1976 Code, as last amended by Act 205 of 2010, is further amended to read:

“Section 7‑17‑220. ~~Unless otherwise provided in Section 7‑3‑10(c),~~ The Board of State Canvassers shall convene a meeting scheduled through the office of the ~~Election Commission~~ Secretary of State within ten days after any general election 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. Nothing in this section prohibits the meeting from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting of the Board of Canvassers as provided in this section must be accessible and without cost to the public and must comply with the notice requirements of Chapter 4, Title 30, the Freedom of Information Act.”

SECTION 77. Section 7‑17‑330 of the 1976 Code is amended to read:

“Section 7‑17‑330. The Secretary of State shall prepare a general certificate, under the seal of the State and attested by him ~~as Secretary thereof~~, addressed to the House of Representatives of the United States in that Congress for which any person shall have been chosen, of the due election of such person as Representative of this State in Congress and shall transmit the same to such House of Representatives at their first meeting.”

SECTION 78. Section 7‑17‑510 of the 1976 Code, as last amended by Act 205 of 2010, is further amended to read:

“Section 7‑17‑510. The commissioners of election for the counties shall convene a meeting on the Thursday next following the primary, before one o’clock p.m. of that day and shall organize as the county board of canvassers for primaries. They may appoint a competent person as secretary. The chairman shall administer the constitutional oath to each member of the board and to the secretary. The secretary shall administer to the chairman the same oath. Each county board of canvassers for primaries shall canvass the votes of the county and declare the results. The county board of canvassers for primaries shall make statements of the votes of the precincts of its county as the nature of the primary requires not later than twelve o’clock noon on the Saturday next following the primary and at that time transmit and certify to the Board of State Canvassers the results of its findings. This procedure must be repeated following every primary runoff. The Board of State Canvassers shall convene a meeting scheduled through the office of the ~~State Election Commission~~ Secretary of State and shall canvass the vote and declare the results of the primaries and the runoffs no later than twelve o’clock noon on the Saturday next following the primary in the State for state offices, federal offices, and offices involving more than one county. Nothing in this section prohibits any meeting required by this section from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting provided for in this section must be accessible and without cost to the public and must comply with the notice requirements of Chapter 4, Title 30, the Freedom of Information Act. ”

SECTION 79. The third paragraph of Section 7‑17‑530 of the 1976 Code, as last amended by Act 63 of 1997, is further amended to read:

“The chairman of the committee must conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State. The chairman has authority to administer oaths and subpoena witnesses. Upon the conclusion of the hearing on the protests, the committee shall determine all issues by majority vote and forthwith certify the results of the election. The ~~State Election Commission~~ Division of Elections shall pay for the costs of the court reporter and the transcript of the hearing. This transcript must be filed with the appropriate state executive committee no later than 10:00 a.m. Saturday next following the decision of the county executive committee.”

SECTION 80. Section 7‑17‑550 of the 1976 Code, as last amended by Act 63 of 1997, is further amended to read:

“Section 7‑17‑550. The state executive committee must meet in Columbia not later than twelve noon on Saturday next following the filing of any notice perfected under Section 7‑17‑540 for the purpose of hearing appeals. The appellant and each other candidate in the protested race have the right to be present at the hearing, to be represented by counsel, and to be heard on the merits of the appeal. The state committee is bound by the facts as determined by the county committee. However, if in the opinion of at least eighteen members of the state committee the facts should be reviewed, then a hearing de novo must be held by the state committee. In the event of a review of the facts, the state committee may receive any new evidence or exhibits as it in its discretion considers necessary to determine the appeal. The state committee must remain in session until all appeals have been disposed of. The ~~State Election Commission~~ Division of Elections shall pay for the costs of the court reporter and the transcript of the hearing.”

SECTION 81. The second paragraph of Section 7‑17‑570 of the 1976 Code, as last amended by Act 253 of 1992, is further amended to read:

“The protestant and each other candidate in the protested race shall have the right to be present at the hearing, to be represented by counsel, to examine and cross‑examine witnesses and to produce evidence relevant to the grounds of the protest. The chairman of the committee shall provide for and conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State. The chairman shall have authority to administer oaths and subpoena witnesses. Upon the conclusion of the hearing of the protest the committee shall determine all issues by majority vote and forthwith certify the results of the election. The ~~State Election Commission~~ Division of Elections shall pay for the costs of the court reporter and the transcript of the hearing.”

SECTION 82. Section 14‑7‑130 of the 1976 Code, as last amended by Act 257 of 2000, is further amended to read:

“Section 14‑7‑130. In September of each year, the Department of Motor Vehicles shall furnish the ~~State Election Commission~~ Division of Elections an electronic file of the name, address, date of birth, social security number, sex, and race of persons who are over the age of eighteen years and citizens of the United States residing in each county who hold a valid South Carolina driver’s license or an identification card issued pursuant to Section 56‑1‑3350. The electronic file also must include persons who have obtained a valid South Carolina driver’s license or identification card during the previous year and exclude persons whose driver’s license or identification card has not been renewed or has been invalidated by judicial or administrative action. In October of each year, the ~~State Election Commission~~ division shall furnish a jury list to county jury commissioners consisting of a file or list derived by merging the list of registered voters in the county with county residents appearing on the file furnished by the department, but only those licensed drivers and identification cardholders who are eligible to register to vote may be included in the list. Before furnishing the list, the ~~commission~~ division must make every effort to eliminate duplicate names and names of persons disqualified from registering to vote or voting pursuant to the laws and Constitution of this State. As furnished to the jury commissioners by the ~~State Election Commission~~ division, the list or file constitutes the roll of eligible jurors in the county. Expenses of the Department of Motor Vehicles and the ~~State Election Commission~~ division in implementing this section must be borne by these agencies.”

SECTION 83. Section 14‑7‑150 of the 1976 Code is amended to read:

“Section 14‑7‑150. The jury box of a county shall contain the same number of capsules or containers as there are names on the jury list prepared by the jury commissioners from the latest official list furnished to the county by the ~~State Election Commission~~ Division of Elections each year and provided to the clerk of court of each county not later than December first of the calendar year. The capsules or containers must be small, opaque, and as similar in size, shape, and color as possible at the time of original purchase or the repurchase of additional capsules. By a slip of paper placed therein, each capsule or container must be numbered, beginning with number ‘one’ and continuing consecutively through the number of qualified electors on the jury list prepared by the jury commissioners as hereinbefore provided. All these papers must be of similar kind, color, and weight so as to resemble each other as much as possible without distinguishing marks. The capsules or containers so prepared must be placed in the jury box constructed as required by law.”

SECTION 84. Section 14‑7‑390 of the 1976 Code is amended to read:

“Section 14‑7‑390. The clerk of court of a county may serve a summons for jury duty by first class mail. In the alternative, the clerk of court of any county may contract with the ~~State Election Commission~~ Division of Elections to serve a summons for jury duty by first class mail. Should the clerk of court of any county not choose to use either of the procedures for summoning jurors provided by this section, the clerk may summon jurors as provided by Section 14‑7‑410 or the sheriff shall serve jurors as provided by Section 14‑7‑400.”

SECTION 85. Section 14‑25‑155 of the 1976 Code, as amended by Act 270 of 2008, is further amended to read:

“Section 14‑25‑155. (A) The jury list of the municipality must be composed of all names on the jury list prepared by the jury commissioners from the latest official list furnished to the municipality by the ~~State Election Commission~~ Division of Elections each year in the manner prescribed in Section 14‑25‑130.

(B) Compartment ‘A’ of the jury box shall contain a separate ballot or number for each name on the jury list.”

SECTION 86. Section 22‑2‑30 of the 1976 Code is amended to read:

“Section 22‑2‑30. In establishing the jury areas, the chief magistrate for administration of the county may call upon the service of the Research and Statistical Services Division of the State Budget and Control Board and the Senate Research staff for demographic information and the ~~State Election Commission~~ Division of Elections for precinct and voter registration information. Upon establishment of the jury areas in a county, but no later than January 1, 1980, the chief magistrates for administration of the counties shall submit to the Legislative Council the boundaries of the jury areas. The Legislative Council shall prepare the necessary legislation to establish the jury areas for introduction in the General Assembly by the respective Judiciary Committees of the Senate and House of Representatives. All acts adopting jury areas shall be printed in the Code of Laws of South Carolina.”

SECTION 87. Section 22‑2‑50 of the 1976 Code, as last amended by Act 304 of 2004, is further amended to read:

“Section 22‑2‑50. In October of each year, the ~~State Election Commission~~ Division of Elections must provide to the chief magistrate for administration of each county, at no cost, a jury list compiled in accordance with the provisions of Section 14‑7‑130. The chief magistrate for administration of the county must use these lists in preparing, for each jury area, a list of the qualified electors in these jury areas, and must forward these lists to the respective magistrates.”

SECTION 88. Section 33‑56‑20(1)(b)(ii) of the 1976 Code is amended to read:

“(ii) a candidate for national, state, or local office or a political party or other group required to file information with the Federal Election Commission or ~~State Election Commission~~ Division of Elections.”

SECTION 89. Section 48‑11‑100(B) of the 1976 Code is amended to read:

“(B) The first directors of the watershed conservation district after the district has been created must be elected in a nonpartisan election conducted by the county election commission when county officers are elected in the general election. To be placed on the ballot each candidate shall submit to the county election commission a declaration of candidacy not later than noon, September 1, or if this date falls on a Saturday, Sunday, or a legal holiday, not later than noon the following Monday. If a watershed district lies in more than one county the required declaration of candidacy must be filed with the ~~State Election Commission~~ Division of Elections. This election must be conducted pursuant to Title 7, mutatis mutandis, except as otherwise provided in this section. The five elected directors, under the general supervision of the board of commissioners of the soil and water conservation district, are the governing body of the watershed conservation district.”

SECTION 90. The first paragraph of Section 56‑1‑90 of the 1976 Code is amended to read:

“The Department of Motor Vehicles may require every applicant to submit for identification purposes proof of name, Social Security number, and date and place of birth when applying for a driver’s license. An applicant for a driver’s license, driver’s permit, or special identification card or a renewal thereof may sufficiently prove the existence and validity of his Social Security number, for purposes of Section 14‑7‑130, by any reasonably reliable document containing the Social Security number. Such a document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA‑1099, letter from the Social Security Administration, voter registration card, payroll stub, Federal W‑2 form, or U.S. military identification card. The numbers may also be obtained from the Department of Revenue pursuant to Section 12‑54‑240(B)(7) which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to the ~~State Election Commission~~ Division of Elections.”

SECTION 91. Section 61‑6‑2010(C)(1) of the 1976 Code is amended to read:

“(1) A permit authorized by this section may be issued only in those counties or municipalities where a majority of the qualified electors voting in a referendum vote in favor of the issuance of the permit. The county or municipal election commission, as the case may be, shall conduct a referendum upon petition of at least ten percent but not more than seven thousand five hundred qualified electors of the county or municipality, as the case may be. The petition form must be submitted to the election commission not less than one hundred twenty days before the date of the referendum. The names on the petition must be on the petition form provided to county election officials by the ~~State Election Commission~~ Division of Elections. The names on the petition must be certified by the election commission within sixty days after receiving the petition form. The referendum must be conducted at the next general election. The election commission shall cause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum. The state election laws shall apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the South Carolina Department of Revenue. The question on the ballot shall be one of the following:

(a) ‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for consumption‑on‑premises sales?’ or

(b) ‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption‑on‑premises sales and to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’ or

(c) in case of a county or municipality where temporary permits are authorized to be issued pursuant to this section as of June 21, 1993, the question may be ‘Shall the Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’.

(2) A referendum for this purpose may not be held more often than once in forty‑eight months.

(3) The expenses for a referendum for this purpose must be paid by the county or municipality conducting the referendum.

(4) In addition to the petition method of calling the referendum provided for in item (1) of this subsection, a county or municipal governing body by ordinance may also call the referendum. Upon receipt of a copy of the ordinance filed with the county or municipal election commission at least sixty days before the date of the next general election, the commission shall conduct the referendum in the manner provided in this section at that general election. The provisions of this item are in addition to the authority of a municipal governing body to call for a referendum under the circumstances enumerated in subsection (D).”

SECTION 92. The Code Commissioner is directed to change or correct all references to the office of the former State Election Commission in the 1976 Code to reflect the transfer of it to the Division of Elections in the Office of Secretary of State. References to this office in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

SECTION 93. Section 7‑3‑10 of the 1976 Code is repealed.

SECTION 94. This act takes effect January 1, 2014.

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