**South Carolina General Assembly**

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**S. 351**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Bright, Bryant, S. Martin and Fair

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Companion/Similar bill(s): 3087

Introduced in the Senate on January 20, 2015

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

Summary: Voter registration

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/20/2015 Senate Introduced and read first time ([Senate Journal‑page 2](file:///h:\SJ%20Archive\2015\01-20-15.docx))

1/20/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 2](file:///h:\SJ%20Archive\2015\01-20-15.docx))

5/15/2015 Senate Referred to Subcommittee: Campsen (ch), Scott, Young

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**VERSIONS OF THIS BILL**

[1/20/2015](file:///p:\pprever\2015-16\351_20150120.docx)

**A** **BILL**

TO AMEND CHAPTER 5, TITLE 7 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF AND QUALIFICATIONS FOR VOTER REGISTRATION, BY ADDING SECTION 7‑5‑115, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT PARTY, TO REQUIRE THE STATE ELECTION COMMISSION TO CREATE AND MAINTAIN A LIST OF ALL REGISTERED ELECTORS BY PARTY AFFILIATION, AND TO REQUIRE NOTIFICATION TO QUALIFIED ELECTORS OF THE NEW PARTISAN PRIMARY VOTING PROCEDURES; TO AMEND SECTION 7‑5‑170, RELATING TO WRITTEN APPLICATIONS FOR VOTER REGISTRATION, SO AS TO PROVIDE THE REQUIREMENT OF STATING POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUDING THE POLITICAL PARTY AFFILIATION IN THE OATH; AND TO AMEND SECTION 7‑9‑20, RELATING TO THE QUALIFICATIONS FOR VOTING IN PRIMARY ELECTIONS, SO AS TO INCLUDE, AS A REQUIREMENT, REGISTRATION AS A MEMBER OF A CERTIFIED POLITICAL PARTY AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

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

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

“Section 7‑5‑115. (A) Only an elector registered as a member of a certified political party may vote in a partisan primary election or partisan advisory referendum of the certified political party with which that elector is registered, unless that political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party and has advised the State Election Commission, in writing, not more than one hundred eighty days and not less than sixty days in advance of the partisan primary election or partisan advisory referendum of such action. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or partisan advisory referendum of a certified political party with which that elector is not registered.

(B) The State Election Commission shall assist the county entities charged by law with registering electors with creating and maintaining a list of all electors registered by party affiliation. The State Election Commission shall indicate in the state voter file what selection an elector makes. To expedite the registration of electors, the county entities shall allow electors to register by party, if they wish, at all partisan primary elections conducted before January 1, 2016, by having an elector sign the following statement before an election official overseeing the conduct of the partisan primary election:

‘I do solemnly swear (or affirm) that I am a resident of South Carolina and a registered voter in this precinct. I further swear (or affirm) that I hereby choose to a) register as a member of a certified political party, specifically the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Party, OR b) register as an independent voter, unaffiliated with any certified political party.’

The form to be signed by the elector may specifically list all of the certified political parties from which the elector may choose and must contain the option for the elector to register as an independent voter unaffiliated with any certified political party. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter unaffiliated with any certified political party.

(C) Prior to January 1, 2016, the entity charged by law with registering qualified electors shall contact the qualified electors of that county, by whatever method it determines to be appropriate, informing them of partisan primary voting procedures as provided in this section.”

SECTION 2. Section 7‑5‑170 of the 1976 Code is amended to read:

“Section 7‑5‑170. (1) Written application required. ‑ A person may not be registered to vote except upon written application or electronic application pursuant to Section 7‑5‑185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(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 I hereby choose to a) register as a member of a certified political party, specifically the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Party, OR b) register as an independent voter, unaffiliated with any certified political party. 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. The form to be signed by the elector may specifically list all of the certified political parties from which the elector may choose and must contain the option for the elector to register as an independent voter, unaffiliated with any certified political party. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter, unaffiliated with any certified political party.

(3) Administration of oaths. ‑ ~~Any~~ A member of the county board of voter registration and elections, deputy registrar, or ~~any~~ a registration clerk must be qualified to administer oaths in connection with the application.

(4) Decisions on applications. ‑ ~~Any~~ A member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

SECTION 3. Section 7‑9‑20 of 1976 Code is amended to read:

“Section 7‑9‑20. (A) The qualifications for membership in a certified party ~~and for voting at a party primary election~~, and the criteria for voting in a party’s partisan primary election or partisan advisory referendum, unless a certified political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party pursuant to the requirements of Section 7‑5‑115, include the following:

(1) the applicant for membership, or voter, must be:

(a) at least eighteen years of age or become so before the succeeding general election~~,~~; ~~and~~

(b) must be a registered elector, ~~and~~ a citizen of the United States and of this State~~.~~; and

(c) must have registered as a member of a certified party.

(B) A person may not vote in a ~~primary~~ partisan primary election or partisan advisory referendum, unless he is a registered elector and a registered member of that party, unless that political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party and has advised the State Election Commission, in writing, not more than one hundred eighty days and not less than sixty days in advance of the partisan primary election or partisan advisory referendum of such action. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or partisan advisory referendum of a certified political party with which that elector is not registered. The state convention of any political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.

(C) The entity charged by law with conducting a primary shall allow an elector to change his political party affiliation by executing an affidavit not later than sixty days before the primary. During that time, an elector may execute an affidavit declaring that he desires not to be affiliated with a political party. The choice to affiliate with a political party or remain independent and unaffiliated with any certified political party is valid until changed by the qualified elector pursuant to the provisions of this section. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter, unaffiliated with any certified political party.

(D) When a qualified elector presents himself at a polling place to vote in a partisan primary election or partisan advisory referendum, the entity charged by law with conducting the election or its representative shall require the qualified elector to sign an affidavit affirming that he is a member of the party conducting the primary, or that he is an independent elector unaffiliated with any certified political party who meets the criteria established by that political party to vote in that particular partisan primary election or partisan advisory referendum pursuant to the requirements of Section 7‑5‑115. If the qualified elector does not sign this affidavit, he may not vote in the partisan primary election or partisan advisory referendum.”

SECTION 4. Notwithstanding the provisions of this act, in all primaries conducted before January 1, 2016, an elector is permitted to vote if he has not signed the affidavit required by this act. After January 1, 2016, all political party primaries and partisan advisory referenda must be conducted pursuant to the provisions of this act.

SECTION 5. This act takes effect upon approval by the Governor.

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