~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2015

**H. 3084**

Introduced by Reps. Jefferson, Southard, McKnight, Weeks and Whipper

S. Printed 4/22/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3084) to amend Section 7‑15‑380, Code of Laws of South Carolina, 1976, relating to the oath of the absentee ballot applicant, so as to eliminate the requirement, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ SECTION 1. Section 7‑13‑35 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑13‑35. The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00 p.m. on~~ 9:00 a.m. on the day immediately prior to election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.”

SECTION 2. Section 7‑15‑220 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑220. ~~(A)~~ The oath, a copy of which is required by Section 7‑15‑200(2) to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, ~~shall~~must be signed by the absentee ballot applicant ~~and witnessed~~. The oath ~~shall~~must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

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

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

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

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Address of Witness~~

~~(B)~~ ~~Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).~~”

SECTION 3. Section 7‑15‑380 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑380. ~~(A)~~ The oath~~, which~~ that is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope~~,~~ furnished each absentee ballot applicant~~,~~ must be signed by the absentee ballot applicant ~~and witnessed. The address of the witness shall appear on the oath~~. In the event the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

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

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Address of Witness~~

~~(B)~~ ~~Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).~~”

SECTION 4. 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~~shall then return the return‑addressed envelope to the board of voter registration and elections 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 and must be turned in to the board of voter registration and elections at the time the envelope is returned. The voter ~~must~~shall sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~shall 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 voter registration and elections ~~must~~shall 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~~a person unless the person is a member of the voter’s immediate family ~~as defined in~~pursuant to 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 voter registration and elections ~~must~~shall record in the record book ~~required by~~pursuant to 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 board of voter registration and elections.”

SECTION 5. Section 7‑15‑420 of the 1976 Code, as last amended by Act 284 of 2006, is further amended to read:

“Section 7‑15‑420. The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on the calendar day immediately preceding election day, the managers appointed pursuant to Section 7‑5‑10, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed ~~and witnessed~~ ~~and includes the address of the witness~~. All return‑ addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed ~~and witnessed~~ nor may ~~any~~a ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked “Ballot Herein” removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked “Ballot Herein”, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on the calendar day immediately preceding election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If ~~any~~a ballot is challenged, the return‑addressed envelope must not be opened, but must be put aside and the procedure ~~set forth in~~pursuant to Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 7‑15‑380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OATH OF THE ABSENTEE BALLOT APPLICANT, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT’S OATH BE WITNESSED.

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

SECTION 1. Section 7‑15‑380 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑380. ~~(A)~~ The oath~~, which~~ that is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope~~,~~ furnished each absentee ballot applicant~~,~~ must be signed by the absentee ballot applicant ~~and witnessed. The address of the witness shall appear on the oath~~. In the event the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark ~~and have the mark witnessed by someone designated by the voter~~. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

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

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Address of Witness~~

~~(B)~~ ~~Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).~~”

SECTION 2. This act takes effect upon approval by the Governor.

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