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Indicates New Matter

AMENDED

April 27, 2016

**H. 3084**

Introduced by Reps. Jefferson, Southard, McKnight, Weeks, Whipper, Robinson‑Simpson, Mitchell and W.J. McLeod

S. Printed 4/27/16--H.

Read the first time January 13, 2015.

**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.

Amend Title To Conform

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

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 7‑15‑420 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 ~~election day~~ 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. Before the counting of absentee ballots may begin, the county board of voter registrations and elections shall disclose the number of absentee ballots to be counted. The number of absentee ballots to be counted may increase only if additional absentee ballots are received due to emergency hospital admission pursuant to the provisions of Section 7‑15‑330 and a new total must be disclosed. 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 ~~election day~~ 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 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 3. This act takes effect upon approval by the Governor.

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