~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 20, 2016

**H. 5037**

Introduced by Reps. Quinn, Jefferson and Brannon

S. Printed 4/20/16--H. [SEC 4/21/16 4:24 PM]

Read the first time March 3, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 5037) to amend Section 7‑15‑385, as amended, Code of Laws of South Carolina, 1976, relating to absentee voting and marking of ballots, so as to eliminate, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7‑15‑385 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~~ shall 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 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 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~~ shall securely store the envelopes in a locked box within the office of the board of voter registration and elections.”

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~~

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

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

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY for Committee.

**A** **BILL**

TO AMEND SECTION 7‑15‑385, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ABSENTEE VOTING AND MARKING OF BALLOTS, SO AS TO ELIMINATE THE AUTHORIZATION ALLOWING ANOTHER PERSON TO RETURN THE ABSENTEE BALLOT APPLICANT’S BALLOT FOR HIM, AND TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT’S OATH ON THE RETURN ENVELOPE BE WITNESSED.

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

SECTION 1. 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~~ shall 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~~,~~ or 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 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 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~~ shall securely store the envelopes in a locked box within the office of the board of voter registration and elections.”

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

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