**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4128**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jefferson and R. Williams

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Companion/Similar bill(s): 867

Introduced in the House on February 27, 2019

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

Summary: Absentee ballots

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/27/2019 House Introduced and read first time ([House Journal‑page 63](file:///h:\hj\20190227.docx))

2/27/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 63](file:///h:\hj\20190227.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4128&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/27/2019](file:///p:\pprever\2019-20\4128_20190227.docx)

**A** **BILL**

TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN‑ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE DAY IMMEDIATELY PRIOR TO ELECTION DAY; AND TO AMEND SECTION 7‑15‑420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN‑ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY, AND 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 7‑13‑35 of the 1976 Code is 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 is 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 3. This act takes effect upon approval by the Governor.

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