**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5483**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brawley, King, Cobb‑Hunter, Henegan, Pendarvis, Bernstein, Jefferson, Weeks, Howard, Mack, Matthews, Robinson, Thigpen, R. Williams, S. Williams, Anderson, Henderson‑Myers, McDaniel, Wheeler, Hart, Gilliard, Rose, Stavrinakis, Garvin, Dillard, Rutherford, Kirby, Govan, Bales, Ballentine, Finlay, Parks and Ridgeway

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Companion/Similar bill(s): 1204

Introduced in the House on May 12, 2020

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

Summary: Absentee ballot

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/12/2020 House Introduced and read first time

5/12/2020 House Referred to Committee on **Judiciary**

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5483&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/12/2020](file:///p:\pprever\2019-20\5483_20200512.docx)

**A** **BILL**

TO AMEND SECTION 7‑15‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE PERSONS WHO ARE SELF‑QUARANTINING OR ISOLATING IN ORDER TO AVOID POSSIBLE EXPOSURE TO A CONTAGIOUS, COMMUNICABLE, OR TRANSMISSIBLE DISEASE DURING AN ACTIVE PANDEMIC OR EPIDEMIC IN THIS STATE, OR PERSONS WHOSE PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO AN ACTIVE AND LAWFULLY DECLARED STATE OF EMERGENCY; AND TO AMEND SECTIONS 7‑15‑220, 7‑15‑380, 7‑15‑385, AND 7‑15‑420, ALL RELATING TO ABSENTEE BALLOTS, SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, THE REQUIREMENT THAT AN ABSENTEE BALLOT APPLICANT’S OATH BE WITNESSED DOES NOT APPLY DURING AN ACTIVE PANDEMIC OR EPIDEMIC IN THIS STATE, OR DURING AN ACTIVE AND LAWFULLY DECLARED STATE OF EMERGENCY IN THIS STATE.

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

SECTION 1. Section 7‑15‑320(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) persons who are self‑quarantining or isolating in order to avoid possible exposure to a contagious, communicable, or transmissible disease during an active pandemic or epidemic in this State, or persons whose place of residence or polling place is located in an area subject to an active and lawfully declared state of emergency.”

SECTION 2. Section 7‑15‑220 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Notwithstanding another provision of law, the requirement that an absentee ballot applicant’s oath be witnessed pursuant to subsection (A) does not apply during an active pandemic or epidemic in this State, or during an active and lawfully declared state of emergency in this State.”

SECTION 3. Section 7‑15‑380 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Notwithstanding another provision of law, the requirement that an absentee ballot applicant’s oath be witnessed pursuant to subsection (A) does not apply during an active pandemic or epidemic in this State, or during an active and lawfully declared state of emergency in this State.”

SECTION 4. Section 7‑15‑385 of the 1976 Code is amended to read:

“Section 7‑15‑385. (A) 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 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 sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter must 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 record in the record book required by 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.

(B) Notwithstanding another provision of law, the requirement that an absentee ballot applicant’s oath be witnessed pursuant to subsection (A) does not apply during an active pandemic or epidemic in this State, or during an active and lawfully declared state of emergency in this State.”

SECTION 5. Section 7‑15‑420 of the 1976 Code is amended to read:

“Section 7‑15‑420. (A) 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 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 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 absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any 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.

(B) Notwithstanding another provision of law, the requirement that an absentee ballot applicant’s oath be witnessed pursuant to subsection (A) does not apply during an active pandemic or epidemic in this State, or during an active and lawfully declared state of emergency in this State.”

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

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