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COMMITTEE REPORT

January 30, 2019

**H. 3031**

Introduced by Reps. Funderburk, Hosey, Norrell and R. Williams

S. Printed 1/30/19--H. [SEC 1/31/19 1:14 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3031) to amend Section 7‑5‑150, Code of Laws of South Carolina, 1976, relating to the closing of the voter registration books, 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 7‑5‑150 of the 1976 Code is amended to read:

“Section 7‑5‑150. The registration books ~~shall~~ must be closed ~~thirty~~ twenty-four days before each election, but only as to that election or ~~any~~ a second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; ~~provided, that~~ however, the registration books ~~shall~~ must be closed ~~thirty~~ twenty-four days before the June primary and shall remain closed until after the second primary and shall likewise be closed ~~thirty~~ twenty-four days before the November general election. ~~They shall thereafter~~ After that, the registration books must be opened from time to time in accordance with the provisions of this article. ~~Any~~ A person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to ~~5:00~~ five o’clock p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which ~~he~~ the person is entitled to vote and a certification to the managers of the precinct that ~~he~~ the person is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of ~~thirty~~ twenty-four days ~~shall~~ must be entitled to register before the closing of the books if otherwise qualified.”

SECTION 2. Section 7‑5‑155 of the 1976 Code is amended to read:

“Section 7‑5‑155. ~~(~~~~a)~~(A) Notwithstanding ~~any other~~ another provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of Section 7‑5‑150, ~~any~~ a qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission ~~not~~ no later than ~~thirty~~ twenty-five days before ~~any~~ an election to his county board of voter registration and elections. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of the registration books before ~~any~~ an election.

(2) If the county board of voter registration and elections determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector’s signature is not required so long as the conditions set forth above are met.

(3) ~~Any~~ An application must be rejected for any of the following reasons:

~~(i)~~(a) ~~any~~ a portion of the application is not complete;

~~(ii)~~(b) ~~any~~ a portion of the application is illegible in the opinion of a member and the clerk of the board;

~~(iii)~~(c) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which ~~he~~ the voter is entitled to vote.

(4) ~~Any~~ A person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that ~~he~~ the applicant still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct ~~his~~ the applicant’s rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180.

~~(b)~~(B) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

~~(c)~~(C) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in Section 7‑5‑310(B) so ~~that~~ distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

~~(d)~~(D) The original applications must remain on file in the office of the county board of voter registration and elections.

~~(e)~~(E) The State Election Commission may promulgate regulations to implement the provisions of this section.”

SECTION 3. Section 7‑5‑185(B)(1) of the 1976 Code is amended to read:

“(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received ~~thirty~~ twenty-five days before an election to be held in the precinct of the person submitting the application.”

SECTION 4. Section 7‑5‑220 of the 1976 Code is amended to read:

“Section 7‑5‑220. Except as provided in Section 7‑5‑150, registration made ~~thirty~~ twenty-four days or less before ~~any~~ an election is not valid for that election or ~~any~~ a second race or runoff resulting from that election but ~~such~~ the registration ~~shall be~~ is valid in ~~any other~~ another election.”

SECTION 5. Section 7‑5‑330 of the 1976 Code is amended to read:

“Section 7‑5‑330. (A) In the case of registration with a motor vehicle application under Section 7‑5‑320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than ~~thirty~~ twenty-five days before the date of the election.

(B) In the case of registration by mail under Section 7‑5‑155, the valid voter registration form of the applicant must be postmarked no later than ~~thirty~~ twenty-five days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than ~~thirty~~ twenty-five days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than ~~thirty~~ twenty-five days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7‑5‑330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector’s address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) ‘Notice’, as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than ~~thirty~~ twenty-five days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector’s address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector’s name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can reregister to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.”

SECTION 6. Section 7‑5‑440(B) of the 1976 Code is amended to read:

“(B) A qualified elector who has moved from an address in one precinct to an address in another precinct within the same county, or has moved to another county within the ~~thirty‑day~~ twenty-five day period before an election, and who has failed to notify the county board of voter registration and elections of the change of address before the date of an election, at the option of the elector:

(1) must be permitted to correct the voting records and vote provisional ballots containing only the races for federal, statewide, countywide, and municipalwide offices pursuant to the provisions of Section 7‑13‑830 at the elector’s former polling place, upon oral or written affirmation by the elector of the new address before an election official at that polling place; or

(2) must be permitted to correct the voting records and vote at a central location located at the main office of the county board of voter registration and elections in his new county of residence where a list of eligible voters is maintained, upon written affirmation by the elector of the new address on a standard form provided at the central location.”

SECTION 7. Section 7‑7‑990(A)(2) of the 1976 Code is amended to read:

“(2) Elector has applied in writing to and obtained from the county board of voter registration and elections ~~thirty~~ twenty-five days before the election a voting registration transfer authorizing the elector to vote at the county barrier‑free polling place. An elector whose physical handicap, as defined in item (1) ~~of this subsection~~, is permanent, as certified by a licensed physician, is not required to register once he has done so initially under the provisions of this item.”

SECTION 8. Section 7‑15‑120 of the 1976 Code is amended to read:

“Section 7‑15‑120. Persons listed in Section 7‑15‑110, their spouses, and dependents residing with them, may register by using either federal Standard Form 76, or ~~any~~ a subsequent form replacing it issued by the federal government. In order to be registered, either form must reach the county board of voter registration and elections ~~not~~ no later than ~~thirty~~ twenty-five days before the election.”

SECTION 9. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 7‑5‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLOSING OF THE VOTER REGISTRATION BOOKS, SO AS TO CHANGE THE DATE ON WHICH THE REGISTRATION BOOKS MUST BE CLOSED FROM THIRTY DAYS BEFORE EACH ELECTION TO TWENTY DAYS; TO AMEND SECTION 7‑5‑155, RELATING TO THE REGISTRATION OF ELECTORS BY MAIL, SO AS TO REDUCE FROM THIRTY DAYS TO TWENTY DAYS THE TIME REQUIRED BEFORE AN ELECTION TO FILE THE APPROPRIATE STATE OR FEDERAL REGISTRATION BY MAIL APPLICATION FORM; TO AMEND SECTION 7‑5‑185, RELATING TO ELECTRONIC APPLICATIONS FOR VOTER REGISTRATION, SO AS TO PROVIDE THAT AN APPLICATION IS EFFECTIVE UPON RECEIPT OF THE APPLICATION BY THE STATE ELECTION COMMISSION IF THE APPLICATION IS RECEIVED TWENTY DAYS BEFORE AN ELECTION TO BE HELD IN THE PRECINCT OF THE PERSON SUBMITTING THE APPLICATION; TO AMEND SECTION 7‑5‑220, RELATING TO THE REQUIREMENT THAT REGISTRATION MADE THIRTY DAYS OR LESS BEFORE AN ELECTION IS NOT VALID FOR THAT ELECTION, SO AS TO SHORTEN THE REGISTRATION DEADLINE FROM THIRTY DAYS OR LESS TO TWENTY DAYS OR LESS; TO AMEND SECTION 7‑5‑330, RELATING TO THE COMPLETION, RECEIPT, OR DISPOSITION OF A VOTER REGISTRATION APPLICATION, SO AS TO SHORTEN APPLICABLE DEADLINES REGARDING THE COMPLETION, RECEIPT, OR DISPOSITION OF CERTAIN VOTER REGISTRATION DEADLINES FROM THIRTY DAYS TO TWENTY DAYS; TO AMEND SECTION 7‑5‑440, RELATING TO FAILURES TO NOTIFY COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS OF CHANGES IN ADDRESS, SO AS TO CHANGE THE TIME PERIOD IN WHICH NOTIFICATION DOES NOT OCCUR FROM THIRTY DAYS BEFORE AN ELECTION TO TWENTY DAYS; TO AMEND SECTION 7‑7‑990, RELATING TO THE ACCESSIBILITY OF POLLING PLACES, SO AS TO CHANGE THE PERIOD FROM THIRTY DAYS BEFORE AN ELECTION TO TWENTY DAYS BEFORE AN ELECTION IN WHICH AN ELECTOR MAY APPLY FOR AND RECEIVE A TRANSFER AUTHORIZATION ALLOWING THE ELECTOR TO VOTE AT A COUNTY BARRIER‑FREE POLLING PLACE; AND TO AMEND SECTION 7‑15‑120, RELATING TO ABSENTEE VOTER REGISTRATION FORMS, SO AS TO REDUCE FROM THIRTY DAYS TO TWENTY DAYS BEFORE THE ELECTION THE DEADLINE FOR VOTER REGISTRATION.

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

SECTION 1. Section 7‑5‑150 of the 1976 Code is amended to read:

“Section 7‑5‑150. The registration books ~~shall~~ must be closed ~~thirty~~ twenty days before each election, but only as to that election or ~~any~~ a second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; ~~provided, that~~ however, the registration books ~~shall~~ must be closed ~~thirty~~ twenty days before the June primary and shall remain closed until after the second primary and shall likewise be closed ~~thirty~~ twenty days before the November general election. ~~They shall thereafter~~ After that, the registration books must be opened from time to time in accordance with the provisions of this article. ~~Any~~ A person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to ~~5:00~~ five o’clock p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which ~~he~~ the person is entitled to vote and a certification to the managers of the precinct that ~~he~~ the person is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of ~~thirty~~ twenty days ~~shall~~ must be entitled to register before the closing of the books if otherwise qualified.”

SECTION 2. Section 7‑5‑155 of the 1976 Code is amended to read:

“Section 7‑5‑155. ~~(a)~~(A) Notwithstanding ~~any other~~ another provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of Section 7‑5‑150, ~~any~~ a qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission ~~not~~ no later than ~~thirty~~ twenty days before ~~any~~ an election to his county board of voter registration and elections. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of the registration books before ~~any~~ an election.

(2) If the county board of voter registration and elections determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector’s signature is not required so long as the conditions set forth above are met.

(3) ~~Any~~ An application must be rejected for any of the following reasons:

~~(i)~~(a) ~~any~~ a portion of the application is not complete;

~~(ii)~~(b) ~~any~~ a portion of the application is illegible in the opinion of a member and the clerk of the board;

~~(iii)~~(c) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which ~~he~~ the voter is entitled to vote.

(4) ~~Any~~ A person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that ~~he~~ the applicant still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct ~~his~~ the applicant’s rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to Section 7‑5‑180.

~~(b)~~(B) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

~~(c)~~(C) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in Section 7‑5‑310(B) so ~~that~~ distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

~~(d)~~(D) The original applications must remain on file in the office of the county board of voter registration and elections.

~~(e)~~(E) The State Election Commission may promulgate regulations to implement the provisions of this section.”

SECTION 3. Section 7‑5‑185(B)(1) of the 1976 Code is amended to read:

“(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received ~~thirty~~ twenty days before an election to be held in the precinct of the person submitting the application.”

SECTION 4. Section 7‑5‑220 of the 1976 Code is amended to read:

“Section 7‑5‑220. Except as provided in Section 7‑5‑150, registration made ~~thirty~~ twenty days or less before ~~any~~ an election is not valid for that election or ~~any~~ a second race or runoff resulting from that election but ~~such~~ the registration ~~shall be~~ is valid in ~~any other~~ another election.”

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(B) In the case of registration by mail under Section 7‑5‑155, the valid voter registration form of the applicant must be postmarked no later than ~~thirty~~ twenty days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than ~~thirty~~ twenty days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than ~~thirty~~ twenty days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7‑5‑330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector’s address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) ‘Notice’, as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than ~~thirty~~ twenty days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector’s address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector’s name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can reregister to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.”

SECTION 6. Section 7‑5‑440(B) of the 1976 Code is amended to read:

“(B) A qualified elector who has moved from an address in one precinct to an address in another precinct within the same county, or has moved to another county within the ~~thirty‑day~~ twenty-day period before an election, and who has failed to notify the county board of voter registration and elections of the change of address before the date of an election, at the option of the elector:

(1) must be permitted to correct the voting records and vote provisional ballots containing only the races for federal, statewide, countywide, and municipalwide offices pursuant to the provisions of Section 7‑13‑830 at the elector’s former polling place, upon oral or written affirmation by the elector of the new address before an election official at that polling place; or

(2) must be permitted to correct the voting records and vote at a central location located at the main office of the county board of voter registration and elections in his new county of residence where a list of eligible voters is maintained, upon written affirmation by the elector of the new address on a standard form provided at the central location.”

SECTION 7. Section 7‑7‑990(A)(2) of the 1976 Code is amended to read:

“(2) Elector has applied in writing to and obtained from the county board of voter registration and elections ~~thirty~~ twenty days before the election a voting registration transfer authorizing the elector to vote at the county barrier‑free polling place. An elector whose physical handicap, as defined in item (1) ~~of this subsection~~, is permanent, as certified by a licensed physician, is not required to register once he has done so initially under the provisions of this item.”

SECTION 8. Section 7‑15‑120 of the 1976 Code is amended to read:

“Section 7‑15‑120. Persons listed in Section 7‑15‑110, their spouses, and dependents residing with them, may register by using either federal Standard Form 76, or ~~any~~ a subsequent form replacing it issued by the federal government. In order to be registered, either form must reach the county board of voter registration and elections ~~not~~ no later than ~~thirty~~ twenty days before the election.”

SECTION 9. This act takes effect upon approval by the Governor.

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