**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3372**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Pope, McGarry, Bennett, Blackwell, Huggins, Erickson, Bradley, Herbkersman and W. Newton

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Companion/Similar bill(s): 4150, 4919

Introduced in the House on January 12, 2021

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

Summary: Absentee voting and elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 173](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 173](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: Bennett

2/9/2021 House Member(s) request name added as sponsor: Blackwell

4/21/2021 House Member(s) request name added as sponsor: Huggins

6/21/2021 House Member(s) request name added as sponsor: Erickson, Bradley, Herbkersman, W.Newton

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3372_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑15‑325 SO AS TO ESTABLISH A FOURTEEN DAY PERIOD DURING WHICH ALL QUALIFIED ELECTORS OF THIS STATE MUST BE ALLOWED TO CAST AN IN‑PERSON ABSENTEE BALLOT WITHOUT BEING REQUIRED TO ASSERT, STATE, OFFER, OR PROVIDE AN EXCUSE, JUSTIFICATION, OR REASON, AND TO REQUIRE THAT EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS ESTABLISH AT LEAST ONE IN-PERSON ABSENTEE VOTING LOCATION FOR EVERY FIFTY THOUSAND REGISTERED VOTERS UP TO A MAXIMUM OF SIX IN-PERSON ABSENTEE VOTING LOCATIONS; 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 PROVIDE THAT REGARDLESS OF THE METHOD OF REGISTRATION, ANY REGISTRATION MADE THIRTY DAYS OR LESS BEFORE ANY ELECTION IS NOT VALID FOR THAT ELECTION OR ANY SECOND RACE OR RUNOFF RESULTING FROM THAT ELECTION; TO AMEND SECTION 7‑9‑70, RELATING TO THE REQUIRED NOTICES OF COUNTY CONVENTIONS, SO AS TO ELIMINATE THE REQUIREMENT THAT A COUNTY COMMITTEE PUBLISH CERTAIN NOTICES REGARDING COUNTY CONVENTIONS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY; TO AMEND SECTION 7‑11‑10, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; TO AMEND SECTION 7‑11‑15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO REQUIRE ALL CANDIDATES FROM EACH POLITICAL PARTY IN THIS STATE TO PAY A FILING FEE, INCLUDING CANDIDATES FROM PARTIES THAT ARE NOT REQUIRED TO CONDUCT A PRIMARY ELECTION, AND TO AUTHORIZE POLITICAL PARTIES TO CHARGE A CERTIFICATION FEE TO ALL CANDIDATES SEEKING NOMINATION BY POLITICAL PARTY PRIMARY OR POLITICAL PARTY CONVENTION; TO AMEND SECTION 7‑13‑320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE’S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO REMOVE CERTAIN CATEGORIES OF ELECTORS WHO ARE QUALIFIED TO VOTE BY ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑420, AS AMENDED, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO ALLOW THE EXAMINATION OF ABSENTEE BALLOT RETURN-ADDRESSED ENVELOPES TO BEGIN AT 8:30 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY, AND TO ALLOW THE TABULATION OF ABSENTEE BALLOTS TO BEGIN AT 7:00 A.M. ON ELECTION DAY; TO AMEND SECTION 7‑17‑560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7-17-520, 7‑17‑530, 7‑17‑540, AND 7‑17‑550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

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

SECTION 1. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑325. (A) For a fourteen day period, excluding Saturdays and Sundays, except as provided in subsection (B), and ending at 5:00 p.m. on the Saturday immediately prior to any election for which absentee voting is permitted, all qualified electors of this State must be allowed to cast an in‑person absentee ballot without being required to assert, state, offer, or provide an excuse, justification, or reason. Each county board of voter registration and elections must establish at least one in‑person absentee voting location for every fifty thousand registered voters up to a maximum of six in‑person absentee voting locations. If the election for which absentee voting is permitted falls on a Saturday, then the last day for in-person absentee voting is the Thursday immediately preceding the election.

(B) During the fourteen day in‑person absentee voting period, excluding Saturdays and Sundays, provided for in this section, all in‑person absentee voting locations must be open each day from 8:30 a.m. until 5:00 p.m. However, all in‑person absentee voting locations must be open from 8:30 a.m. until 5:00 p.m. on the Saturday immediately preceding the election.”

SECTION 2. Section 7‑5‑220 of the 1976 Code is amended to read:

“Section 7‑5‑220. Notwithstanding another provision of law, except as provided for recently discharged members of the United States Armed Forces in Section 7‑5‑150, regardless of the method of registration, any registration made thirty days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.”

SECTION 3. Section 7‑9‑70 of the 1976 Code is amended to read:

“Section 7‑9‑70. A county convention must be held during a twelve‑month period ending March thirty‑first of each general election year during a month determined by the state committee as provided in Section 7‑9‑100. The county committee shall set the date, time, and location during the month designated by the state committee for the county convention to be held. The date set by the county committee for the county convention must be at least two weeks before the state convention. When a month in a nongeneral election year is chosen for the county convention, it must be held for the purpose of reorganization only. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by county committee. ~~Notices, both for the convention to be held for reorganization and for the reconvened convention to nominate candidates, must be published by the county committee, once a week for two consecutive weeks, not more than three nor less than two weeks, before the day in a newspaper having general circulation in the county.~~”

SECTION 4. Section 7‑11‑10 of the 1976 Code is amended to read:

“Section 7‑11‑10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; however, a person who was defeated as a candidate for nomination to an office in a party primary or party convention shall not have his name placed on the ballot for the ensuing general or special election, except that this section does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for that office before the election is held.

(B) A candidate may not file more than one statement of intention of candidacy for a single election.

(C) A candidate may not be nominated by more than one political party for a single office for the same election.”

SECTION 5. The first paragraph of Section 7‑11‑15(A) of the 1976 Code, as last amended by Act 142 of 2018, is further amended to read:

“(A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth as provided in this section. If March thirtieth is on a Saturday or Sunday, the time for filing extends to the next regular business day. For purposes of this section and Section 7‑13‑45, ‘next regular business day’ means a day that is not a Saturday, Sunday, or legal holiday. Notwithstanding another provision of law, beginning July 1, 2021, all candidates from each political party in this State shall pay a filing fee, including candidates from parties that are not required to conduct a primary election. In addition to the filing fee required pursuant to this subsection, political parties also may charge a certification fee to all candidates seeking nomination by political party primary or political party convention.”

SECTION 6. Section 7‑13‑320(D) of the 1976 Code is amended to read:

“(D) The names of candidates offering for ~~any other~~ another office ~~shall~~ must be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. A candidate’s name may not appear on the ballot more than once for any single office for the same election.”

SECTION 7. Section 7‑15‑320 of the 1976 Code is amended to read:

“Section 7‑15‑320. (A) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when they are absent from their county of residence on election day during the hours the polls are open, to an extent that it prevents them from voting in person:

(1) students, their spouses, and dependents residing with them;

(2) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them; or

~~(3)~~ ~~governmental employees, their spouses, and dependents residing with them;~~

~~(4)~~ ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~

~~(5)~~(3) overseas citizens.

(B) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not they are absent from their county of residence on election day:

(1) physically disabled persons;

~~(2)~~ ~~persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county board of voter registration and elections;~~

~~(3)~~ ~~certified poll watchers, poll managers, county board of voter registration and elections members and staff, county and state election commission members and staff working on election day;~~

~~(4)~~ ~~persons attending sick or physically disabled persons;~~

~~(5)~~(2) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;

~~(6)~~ ~~persons with a death or funeral in the family within a three‑day period before the election;~~

~~(7)~~ ~~persons who will be serving as jurors in a state or federal court on election day;~~

~~(8)~~ ~~persons sixty‑five years of age or older;~~

~~(9)~~(3) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

~~(10)~~(4) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.”

SECTION 8. Section 7‑15‑420 of the 1976 Code, as last amended by Act 133 of 2020, 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~~ 8:30 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 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~~ 7:00 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.”

SECTION 9. Section 7‑17‑560 of the 1976 Code is amended to read:

“Section 7‑17‑560. The state executive committee must meet in Columbia at such place as may be designated by the chairman to hear and decide protests and contests that may arise in the case of federal officers, state officers, State Senate, State House of Representatives, ~~and~~ county officers, ~~involving more than one county~~ and less than county officers. Any protest or contest must be filed in writing with the chairman of the committee, together with a copy for each candidate in the race, not later than noon on Monday following the canvassing of the votes for these officers by the committee. However, service upon the chairman may be perfected by depositing at the office of the Chief of the State Law Enforcement Division a copy of the protest, together with a copy for each candidate in the race. The chief must take immediate steps to deliver these copies to the chairman. The protest must contain each ground thereof stated separately and concisely. The chairman of the committee must forthwith serve upon each candidate in the protested race a copy of the protest and serve a notice of the time and place of the meeting of the committee for the purposes of hearing the protest.”

SECTION 10. Sections 7‑17‑520, 7‑17‑530, 7‑17‑540, and 7‑17‑550 are repealed.

SECTION 11. SECTION 8 of this act takes effect January 1, 2022. All other SECTIONS of this act take effect upon approval by the Governor.

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