**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4255**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Long, Erickson, Herbkersman, Bradley and W. Newton

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Introduced in the House on April 22, 2021

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

Summary: Elections - Various Ballot Integrity Initiatives

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2021 House Introduced and read first time ([House Journal‑page 32](file:///h:\hj\20210422.docx))

4/22/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 32](file:///h:\hj\20210422.docx))

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

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4255&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/22/2021](file:///p:\pprever\2021-22\4255_20210422.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑35 SO AS TO ENUMERATE CERTAIN SECURITY‑RELATED REQUIREMENTS TO SAFEGUARD THE VOTING PROCESS, EQUIPMENT, AND BALLOTS; TO AMEND SECTION 7‑3‑20, RELATING TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE COMPLETE MASTER FILE OF ALL QUALIFIED ELECTORS TO BE AUDITED BIENNIALLY; TO AMEND SECTION 7‑5‑675, RELATING TO VOTER REGISTRATION CARDS, SO AS TO REQUIRE VOTER REGISTRATION CARDS TO CONTAIN CERTAIN ADDITIONAL SECURITY‑RELATED FEATURES; TO AMEND SECTION 7‑13‑1160, RELATING TO THE REPORTING OF ELECTION RESULTS TO THE STATE ELECTION COMMISSION, SO AS TO PROVIDE THAT ONLY THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION MAY RELEASE UNOFFICIAL ELECTION RESULTS TO THE PUBLIC, AND THAT THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION MAY NOT RELEASE UNOFFICIAL ELECTION RESULTS UNTIL ALL UNOFFICIAL ELECTION RESULTS STATEWIDE HAVE BEEN RECEIVED BY THE STATE ELECTION COMMISSION; TO AMEND SECTION 7‑13‑1640, RELATING TO VOTING MACHINE REQUIREMENTS, SO AS TO REQUIRE VOTING MACHINES TO CONTAIN CERTAIN ADDITIONAL SECURITY‑RELATED FEATURES; TO AMEND SECTION 7‑25‑20, RELATING TO FRAUDULENT REGISTRATION OR VOTING, SO AS TO, AMONG OTHER THINGS, PROHIBIT THE GRANTING OF BAIL TO PERSONS CHARGED WITH VOTER FRAUD, AND TO INCREASE THE MINIMUM SENTENCE FOR PERSONS CONVICTED OF VOTER FRAUD; AND TO AMEND SECTION 7‑25‑180, RELATING TO THE UNLAWFUL DISTRIBUTION OF CAMPAIGN LITERATURE, SO AS TO PROHIBIT JOURNALISTS OR OTHER MEMBERS OF THE NEWS MEDIA FROM COMING WITHIN TWO HUNDRED YARDS OF A POLLING PLACE EXCEPT TO VOTE.

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

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

“Section 7‑5‑35. A director of a county board of voter registration and elections shall ensure that:

(1) each county voting machine, hard drive, and ballot container is equipped with no less than two functioning, American‑made GPS devices capable of monitoring and confirming the voting machine’s, hard drive’s, or ballot container’s geographic location at all times;

(2) each county voting precinct is under continuous video and audio surveillance for any election event including, but not limited to, primaries, primary runoffs, special elections, and general elections;

(3) each county poll worker is equipped with a functioning body camera while working any election event including, but not limited to, primaries, primary runoffs, special elections, and general elections;

(4) the transport of county hard drives and printed ballots to a secure location for final counting is observed by poll watchers from all parties and campaigns. Independent poll watchers also must be allowed to observe the transfer of hard drives and ballots. Each transportation step must be under continuous video and audio surveillance using no less than two video and audio devices during the entire transport process. Poll watchers must not be excluded, denied entry, or blocked from viewing the transport process; and

(5) no ballots are counted that have left the polling area or are brought into the polling area. Any ballots that leave the video surveillance’s field of view are void and must not be counted. All ballots shall remain in the polling area in containers designed for the storage of ballots. All storage containers must be clearly visible by surveillance cameras and poll monitors at all times.”

SECTION 2. Section 7‑3‑20(C)(3) of the 1976 Code is amended to read:

“(3) maintain and biennially audit a complete master file of all qualified electors by county and by precincts, attending closely to electors who may be registered in multiple counties simultaneously;”

SECTION 3. Section 7‑5‑675 of the 1976 Code is amended to read:

“Section 7‑5‑675. (A) The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only.

(B) In addition to containing a photograph of the elector, the voter registration card required pursuant to subsection (A) also must be:

(1) assigned a unique voter registration number; and

(2) affiliated with either the elector’s current and valid South Carolina driver’s license number and other information on file with the Department of Motor Vehicles, or another current and valid form of identification containing a photograph issued by the Department of Motor Vehicles.”

SECTION 4. Section 7‑13‑1160 of the 1976 Code is amended to read:

“Section 7‑13‑1160. (A) Within twenty‑four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein. Notwithstanding another provision of law, only the Executive Director of the State Election Commission may release unofficial election results to the public.

(B) The Executive Director of the State Election Commission may not release the unofficial election results described in subsection (A) until all unofficial election results statewide have been received by the State Election Commission. A person who wilfully leaks or prematurely releases the results of any primary, primary runoff, special election, or general election may be charged with a violation of Section 7‑25‑20.”

SECTION 5. Section 7‑13‑1640(A) of the 1976 Code is amended to read:

“(A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

(1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at any election, for or against as many questions as may be submitted at any election, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties;

(2) permit the voter to vote for as many persons for any office as he is lawfully entitled to vote for, but no more;

(3) prevent the voter from voting for the same person more than once for the same office;

(4) permit the voter to vote for or against any question he may have the right to vote on, but no other;

(5) if used at a primary election, be so equipped that all rows except those of the voter’s party can be locked out by the managers of election by means of an adjustment on the outside of the machine;

(6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;

(7) be provided with a ‘protective counter’ or ‘protective device’ whereby any operation of the machine before or after the election will be detected;

(8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; ~~and~~

(10) ensure voting in absolute secrecy;

(11) be capable of generating a certified printout for each elector recording his ballot selections;

(12) be manufactured and assembled entirely within the United States; and

(13) be incapable of either accessing or being accessed by the Internet.”

SECTION 6. Section 7‑25‑20 of the 1976 Code is amended to read:

“Section 7‑25‑20. (A) It is unlawful for a person to ~~fraudulently~~:

(1) fraudulently procure the registration of a name on the books of registration;

(2) fraudulently offer or attempt to vote that name;

(3) fraudulently offer or attempt to vote in violation of this title or under any false pretense as to circumstances affecting his qualifications to vote; ~~or~~

(4) fraudulently aid, counsel, or abet another in fraudulent registration or fraudulent offer or attempt to vote;

(5) wilfully leak or prematurely release the results of any primary, primary runoff, special election, or general election; or

(6) wilfully tamper with, destroy, or discard ballots, hard drives, or voting machines.

(B) A person who is charged with a violation of this section shall not be granted bail or released on his own recognizance.

(C) A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be ~~fined not less than one hundred dollars nor more than five hundred dollars or~~ imprisoned not ~~more~~ less than ~~one year, or both~~ thirty years without the possibility of parole.”

SECTION 7. Section 7‑25‑180 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) No journalist or other member of the news media shall be allowed to come within two hundred yards of any entrance used by voters to enter a polling place except to vote.”

SECTION 8. This act takes effect upon approval by the Governor.

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