**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING IN THE STATE; TO AMEND SECTION 7‑11‑10, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT CANDIDATES FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT CANDIDATES FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; TO AMEND SECTION 7‑13‑320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT CANDIDATES’ NAMES FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTIONS 7‑15‑220 AND 7‑15‑380, BOTH RELATING TO ABSENTEE BALLOT OATHS, BOTH SO AS TO REQUIRE THE PRINTED NAME OF THE WITNESS IN ADDITION TO THE REQUIRED SIGNATURE AND ADDRESS; TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO DELETE CERTAIN REASONS FOR WHICH ABSENTEE VOTING IS ALLOWED AND ADD A NEW REASON FOR PERSONS WHO ARE GOING TO BE ABSENT FROM THE COUNTY FOR THE DURATION OF THE EARLY VOTING PERIOD AND ELECTION DAY; TO AMEND SECTION 7‑15‑340, RELATING TO THE FORM OF AN ABSENTEE BALLOT APPLICATION, SO AS TO REQUIRE THE VOTER’S DRIVER’S LICENSE NUMBER OR OTHER PERSONAL OR UNIQUE IDENTIFYING NUMBER ASSOCIATED WITH A GOVERNMENT‑ISSUED PHOTO IDENTIFICATION; TO AMEND SECTION 7‑15‑385, RELATING TO THE MARKING AND RETURN OF ABSENTEE BALLOTS, SO AS TO REQUIRE AN AUTHORIZED RETURNEE TO PRODUCE A CURRENT AND VALID FORM OF GOVERNMENT‑ISSUED PHOTO IDENTIFICATION; 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 RETURN‑ADDRESSED ENVELOPES TO BEGIN AT 7:00 A.M. ON THE SUNDAY PRECEDING ELECTION DAY, TO ALLOW THE TABULATION OF ABSENTEE BALLOTS TO BEGIN AT 7:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY, AND TO CREATE A PENALTY FOR PUBLIC REPORTING OF THE RESULTS OF ABSENTEE BALLOTS BEFORE THE POLLS ARE CLOSED; BY ADDING SECTION 7‑15‑325 SO AS TO PROVIDE THAT ANY VOTER WHO IS DESIGNATED AS HAVING PREVIOUSLY VOTED ABSENTEE MAY CAST A PROVISIONAL BALLOT ON ELECTION DAY TO BE COUNTED ONLY IF THE VOTER’S ABSENTEE BALLOT IS NOT RECEIVED; AND TO REPEAL SECTION 7‑15‑470 RELATING TO IN‑PERSON ABSENTEE VOTING.

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

SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Monday through Saturday for a two‑week period preceding a general election conducted pursuant to Section 7‑13‑10, all qualified electors of this State must be allowed to cast an early in‑person ballot.

(B) The period of early voting begins at 8:30 a.m. and ends at 6:00 p.m. on each day of the early voting period, excluding Sunday, until the conclusion of the early voting period at 6:00 p.m. on the Saturday immediately prior to the general election.

(C) Each county board of voter registration and elections must establish early in‑person voting locations in an amount based on the following formulas, whichever is higher, but not to exceed seven locations:

(1) The number of registered voters in the county:

(a) 1 ‑ 39,999 voters: one location

(b) 40,000 ‑ 79,999 voters: two locations

(c) 80,000 ‑ 119,999 voters: three locations

(d) 120,000 ‑ 159,999 voters: four locations

(e) 160,000 ‑ 199,999 voters: five locations

(f) 200,000 ‑ 239,999 voters: six locations

(g) 240,000 voters and up: seven locations

(2) The size of the county in square miles:

(a) 0‑199 square miles: one location

(b) 200‑399 square miles: two locations

(c) 400‑599 square miles: three locations

(d) 600‑799 square miles: four locations

(e) 800‑999 square miles: five locations

(f) 1000‑1199 square miles: six locations

(g) 1200 square miles and up: seven locations

(D) The main office of each county board of voter registration and elections constitutes one of the early in‑person voting locations as delineated in this section.

(E) Each early in‑person voting location must be at a fixed location with adequate public access. Each location within a county must be at least ten miles apart.

(F) The county election board must set and publish the location of each early in‑person voting center at least fourteen days before the early voting period begins. Publication of the schedule must be made, at a minimum, to a website or webpage managed by, or on behalf of, each respective county election board.

(G) Upon the daily closure of each early in‑person voting location during the period established in subsection (B), all ballots must be transported to the county board of voter registration and elections and stored in a secure location.

(H) County boards of voter registration and elections, in their discretion, may establish any number of early in‑person voting locations for use in primary, primary runoff, special elections, and all municipal elections, and the formulas provided in this section do not apply.

(I) Each early voting center must have available every ballot style in use in the particular county for that election.”

SECTION 2. A. 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~~ may 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.”

B. 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 3. A. Section 7‑15‑220(A) of the 1976 Code is amended to read:

“(A) The oath, a copy of which is required by Section 7‑15‑200(2) to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, shall be signed by the absentee ballot applicant and witnessed. The oath shall be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness Printed Name of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness”

B. Section 7‑15‑380(A) of the 1976 Code is amended to read:

“(A) The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address and printed name of the witness shall appear on the oath. 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 oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness Printed Name of Witness

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Address of Witness”

SECTION 4. 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;

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

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

~~(5)~~ 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)~~(3) persons attending sick or physically disabled persons;

~~(5)~~(4) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;

~~(6)~~(5) persons with a death or funeral in the family within a three‑day period before the election;

~~(7)~~(6) persons who will be serving as jurors in a state or federal court on election day;

~~(8)~~(7) persons sixty‑five years of age or older;

~~(9)~~(8) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

~~(10)~~(9) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.

(C) Qualified electors must be permitted to vote by absentee ballot in all elections when they are going to be absent from their county of residence for the duration of the early voting period and on election day.”

SECTION 5. Section 7‑15‑340 of the 1976 Code is amended to read:

“Section 7‑15‑340. (A) The application required in Section 7‑15‑330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except that persons listed in Section 7‑15‑320(2), (3), (6), and (10) may use Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

(B)(1) The application must contain the following information: name, registration certificate number, address, absentee address, election of ballot request, election date, runoff preference, party preference, reason for request, oath of voter, and voter’s signature.

(2) The application also must contain a voter’s South Carolina driver’s license number or other personal or unique identification number associated with a valid and current, government‑issued photo identification referenced in Section 7‑13‑710(A).

(C) The oath must be as follows: ‘I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects, and I hereby apply for an absentee ballot for the reason indicated above.’ Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7‑25‑20.”

SECTION 6. 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 form prescribed by the State Election Commission must include a designated space in which the appropriate elections official or employee shall record the specific form of government‑issued photo identification presented by the authorized returnee. 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, and the authorized returnee’s form of government‑issued photo identification 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)(1) When an authorized returnee presents himself to the board of voter registration and elections to deliver a return‑addressed envelope in person pursuant to subsection (A), he shall produce a valid and current:

(a) South Carolina driver’s license;

(b) another form of identification containing a photograph issued by the Department of Motor Vehicles;

(c) passport;

(d) military identification containing a photograph issued by the federal government; or

(e) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7‑5‑675.

(2) The appropriate elections official or employee who receives a return‑addressed envelope from an authorized returnee shall:

(a) compare the photograph contained on the required identification with the person presenting himself as an authorized returnee; and

(b) verify that the photograph is that of the person personally delivering the return‑addressed envelope.”

SECTION 7. 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. (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~~ 7:00 a.m. on the Sunday 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 printed name and 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 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 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.

(B) Results of the absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official or election worker who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.”

SECTION 8. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑325. Any voter who goes to a polling location to vote in person on election day and who has been designated as having previously voted absentee is entitled to cast a provisional ballot. The voter’s provisional ballot must be counted only if the county board of voter registration and elections has a record that the voter’s absentee ballot was not received.”

SECTION 9. Section 7‑15‑470 of the 1976 Code is repealed.

SECTION 10. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, 1895, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of election reform as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 13. This act takes effect upon approval by the Governor.

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