~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

April 21, 2022

**H. 4919**

Introduced by Reps. Lucas, B. Newton, Jordan, Simrill, Pope, Hixon, W. Newton, Erickson, Allison, Bailey, Ballentine, Brittain, Bennett, Blackwell, Burns, Bustos, B. Cox, Crawford, Daning, Elliott, Felder, Forrest, Gagnon, Gatch, Hardee, Hewitt, Hiott, Huggins, J.E. Johnson, Ligon, Long, Magnuson, McCravy, McGarry, V.S. Moss, Murphy, Nutt, Sandifer, G.R. Smith, M.M. Smith, G.M. Smith, West, White, Willis, Yow, Taylor, Whitmire, W. Cox, Hyde, Dabney, May, Jones and Wooten

S. Printed 4/21/22--S. [SEC 4/22/22 2:12 PM]

Read the first time March 3, 2022.

**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.

Amend Title To Conform

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) Notwithstanding the provisions of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of voter registration and elections must establish at least one early voting center and may establish up to seven early voting centers. Each early voting center must be supervised by employees of the county board of voter registration and elections or the State Election Commission.

(E) The early voting period shall be from Monday through Saturday for the two-week period immediately preceding an election.

(F) The county board of voter registration and elections shall provide the hours of operation for the early voting center or centers in accordance with the following:

(1) for statewide general elections, the early voting centers must be open for the Saturdays within the early voting period and the early voting centers must be open at least from 8:30 a.m. until 6:00 p.m. on each date of the early voting period;

(2) for any election that is not a general election, the early voting centers must be open from at least 8:30 a.m. until 6:00 p.m. on each date of the early voting period. The county board of voter registration and elections shall determine whether to open the early voting centers on Saturday during the early voting period;

(3) for a primary run-off for which timing would not permit an early voting period as prescribed in subsection (E), the Executive Director of the State Election Commission may establish a period of time for an early voting period. However, the early voting centers must be open from at least 8:30 a.m. until 6:00 p.m.; and

(4) for any election, the early voting centers must not be open on Sundays.

(G)(1) Each county board of voter registration and elections must determine locations for its early voting centers. In selecting locations for early voting centers, the county board of voter registration and elections must consider geography, population, and ADA compliant accessibility. The county board of voter registration and elections must distribute the locations throughout the county to maximize accessibility for all voters in the county to the greatest extent possible.

(2) Each county board of voter registration and elections must identify locations it intends to utilize as early voting centers for a statewide primary and a statewide general election by March 10 before that primary election.

(3) The Executive Director of the State Election Commission must approve the addition or relocation of early voting centers after March 10, and may, at his discretion, direct the move of early voting centers to ensure proper distribution throughout each county.

(H) The county board of voter registration and elections must publish the location and hours of each early 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 board of voter registration and elections.

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

(J) Upon the daily closure of each early voting center, all ballots must be transported to the county board of voter registration and elections and stored in a secure location.

(K) A sign must be posted prominently in each early voting center and shall have printed on it: ‘VOTING MORE THAN ONCE IS A FELONY AND, UPON CONVICTION, A PERSON MUST BE FINED NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS AND IMPRISONED NOT MORE THAN FIVE YEARS’.

(L) The provisions of this section do not apply to presidential preference primaries held pursuant to Section 7‑11‑20.”

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~~ must 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 must not file more than one statement of intention of candidacy for a single office for the same election.

(C) A candidate must 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 must not appear on the ballot more than once for any single office for the same election.”

SECTION 3. 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 by a person who is at least eighteen years of age. 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”

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 who are unable to vote during early voting hours for the duration of the early voting period, and during the hours the polls are open on election day, must be permitted to vote by absentee ballot in ~~all elections~~ an election ~~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) persons with employment obligations who present written certification of the obligations to the county board of voter registration and elections ~~students, their spouses, and dependents residing with them~~;

(2) persons who will be attending sick or physically disabled 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) persons confined to a jail or pretrial facility pending disposition of arrest or trial ~~governmental employees, their spouses, and dependents residing with them~~; or

(4) persons who are going to be absent from their county of residence ~~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 the following categories must be permitted to vote by absentee ballot in an election, regardless of whether the elector is able to vote during early voting hours for the duration of the early voting period, and during the hours the polls are open ~~all elections, whether or not they are absent from their county of residence~~ on election day:

(1) physically disabled persons;

(2) persons sixty‑five years of age or older ~~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) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them ~~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~~; or

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

~~(5)~~ persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election, as provided in Section 7-15-330;

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

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

SECTION 5. Section 7‑15‑330 of the 1976 Code, as last amended by Act 133 of 2020, reads:

“Section 7-15-330. (A) To vote by absentee ballot~~,~~:

(1) a qualified elector or a member of his immediate family, as defined in Section 7-15-310(8), must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the county board of voter registration and elections as established by the county governing body, for the county of the voter’s residence~~.~~ ;or

(2) A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of an authorized representative. ~~This~~ The signed oath must be kept on file with the county board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate, ~~or~~ a member of a candidate’s paid campaign staff, or a ~~including~~ campaign volunteer ~~volunteers reimbursed for time expended on campaign activity~~, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.

(B)(1) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held.

(2) A person who makes a request for an application to vote by absentee ballot, either for himself or on behalf of another elector as permitted by this section, must provide the following:

(a) for the elector for whom the request is being made, the elector’s:

(i) name;

(ii) date of birth; and

(iii) last four digits of his social security number; and

(b) if someone is making a request on behalf of an elector, the requestor’s:

(i) name;

(ii) address;

(iii) date of birth; and

(iv) relation to the elector, as required by subsection (A).

(3) The county board of voter registration and elections must verify the information required in this section for the elector for whom the absentee ballot is being requested, and must record the information provided for the individual who makes a request on behalf of an elector before providing an absentee ballot application.

(4) A person must not request absentee applications for more than five qualified electors per election, in addition to himself.

(C) ~~However,~~ ~~completed~~ Completed applications must be returned ~~to the county board of voter registration and elections~~:

in person, by either the elector, a member of the elector’s immediate family, or the elector’s authorized representative, or by mail, by the elector, to the county board of voter registration and elections no later than ~~before~~ 5:00 p.m. on the ~~fourth~~ eleventh day before the day of the election to vote by absentee ballot. ~~Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320.~~

(D) ~~A member of the immediate family of~~ Notwithstanding the provisions of subsection (C), if an elector is ~~a person who is~~ admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election, then a member of the elector’s immediate family may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the county board of voter registration and elections.

(E) The county board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(F) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 6. 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 by a person who is at least eighteen years of age. The address, printed name, and signature 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

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

Address of Witness”

SECTION 7. 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~~ only by:

(1) mail~~,~~ to the main office of the county board of voter registration and elections;

(2) ~~by~~ personal delivery~~,~~ to an election official during office hours at the main office of the county board of voter registration and elections or to an election official during office hours at an early voting center; or

(3) ~~by~~ authorizing ~~another person~~ a member of the applicant’s immediate family, as defined in Section 7-15-310(8), or an authorized representative, to return the return-addressed envelope for him to an election official during office hours at the main office of the county board of voter registration and elections or to an election official during office hours at an early voting center.

(B) An applicant who authorizes a member of his immediate family or an authorized representative to return the return-addressed envelope for him pursuant to this section must complete an ~~The~~ authorization ~~must be given in writing on a~~ form prescribed by the State Election Commission ~~and~~ that must be turned in ~~to the board of voter registration and elections~~ by the immediate family member or authorized representative at the time the return-addressed envelope is returned. The ~~voter~~ applicant must sign the form, or in the event the ~~voter~~ applicant cannot write because of a physical handicap or illiteracy, then the ~~voter~~ applicant must make his mark and have the mark witnessed by someone designated by the ~~voter~~ applicant.

(C) The authorization form prescribed by the State Election Commission must include a designated space in which an election official must record the specific form of government-issued photo identification presented by the immediate family member or authorized representative who is authorized by the applicant to deliver the return-addressed envelope. The authorization form must be preserved as part of the record of the election, and the county board of voter registration and elections must note the time and date of receipt of the authorization form, ~~and~~ the name of the ~~authorized returnee~~, immediate family member or authorized representative, his relationship to the applicant, and the immediate family member’s or authorized representative’s form of government-issued photo identification in the record book required by Section 7‑15‑330.

(D)(1) When an applicant, or an applicant’s authorized immediate family member or authorized representative, presents himself to deliver a return‑addressed envelope pursuant to this section, he must produce a valid and current:

(a) driver’s license issued by a state within the United States;

(b) another form of identification containing a photograph issued by the Department of Motor Vehicles or its equivalent by a state within the United States;

(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.

(2) An election official must verify that the name and photograph on the identification is the applicant, or the applicant’s authorized immediate family member or authorized representative, as applicable.

(E) An election official must not accept a return-addressed envelope until the provisions of this section have been met.

(F) ~~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 of voter registration and elections must securely store ~~the~~ return-addressed envelopes in ~~a~~ locked ~~box~~ boxes within the main office of the board of voter registration and elections as prescribed by the State Election Commission.

(G) It is unlawful for a person to return more than five return-addressed envelopes in an election, in addition to his own. A person who violates this subsection, upon conviction, must be punished as provided in Section 7-25-190.”

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

“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.

(B) ~~At 9:00 a.m.~~ Beginning no earlier than 7:00 a.m. on the second day immediately preceding election day, the managers appointed pursuant to Section 7-13-72 ~~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, signature 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, and kept secure.

(C) After all return‑addressed envelopes have been emptied ~~in this manner~~, but no earlier than 7:00 a.m. on election day, 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.

(D) Beginning no earlier than ~~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.

(E) Results of the absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher 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.

(F) The processes of examining the return‑addressed envelopes, opening the sealed return‑addressed envelopes to remove the ‘Ballot Herein’ envelopes, and removing the ballots from the ‘Ballot Herein’ envelopes for tabulation must be conducted in the presence of any candidate who elects to be present, and of any watchers who have been appointed pursuant to Section 7‑13‑860. Provided, any candidates or watchers present must be located a reasonable distance in order to maintain both the right to observe and the secrecy of the ballots.”

SECTION 9. Section 7‑15‑430 of the 1976 Code is amended to read:

“Section 7‑15‑430. (A) Prior to the distribution of voter registration lists to the various precincts, the county board of voter registration and elections shall note, opposite the name of each registered voter, who is provided an absentee ballot and who has returned an absentee ballot ~~has voted by absentee ballot the fact of such voting or that an absentee ballot has been issued to a voter, as the case may be~~.

(B) No voter whose name is so marked on the registration list as having returned an absentee ballot ~~voted~~ shall be permitted to vote in person in his resident precinct or at an early voting center in his county. ~~and no~~ A voter who is provided an absentee ballot, but who has not returned an ~~been issued an~~ absentee ballot, may cast a provisional ballot at his resident precinct or at an early voting center in his county. The provisional ballot must only be counted if the absentee ballot is not received by the time for the closing of the polls on election day ~~vote whether such ballot has been cast or not, unless he shall furnish to the officials of his resident precinct a certificate from the county board of voter registration and elections that his absentee ballot has been returned to the board unmarked~~.

(C) Should any voter be issued an absentee ballot, or should any voter return an absentee ballot, after the board has released the registration books to be used in the election to the county board of voter registration and elections, municipal election commission, county committee, executive committee of any municipal party, or poll managers, the board of voter registration and elections shall immediately notify in writing the county board of voter registration and elections, municipal election commission, county committee, executive committee of any municipal party, or poll manager, as the case may be, of the name, address, and certificate number of each voter who has since been issued an absentee ballot, or who has since returned an absentee ballot, and the registration books must be appropriately marked that the voter has been issued an absentee ballot, or has returned an absentee ballot.”

SECTION 10. Section 7‑5‑170 of the 1976 Code is amended to read:

“Section 7‑5‑170. (1) Written application required.—A person may not be registered to vote except upon written application or electronic application pursuant to Section 7‑5‑185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application. — The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: ‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, ~~and~~ that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.’ Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Date stamp voter registration applications. — The county board of voter registration and elections shall date stamp all voter registration applications delivered in person, electronically, or by mail as of the date received.

~~(3)~~(4) Administration of oaths. — Any member of the county board of voter registration and elections, deputy registrar, or any registration clerk must be qualified to administer oaths in connection with the application.

~~(4)~~(5) Decisions on applications. — Any member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

SECTION 11. Section 7‑13‑320(A) of the 1976 Code is amended to read:

“(A) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector. The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the State Election Commission. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;”

SECTION 12. Section 7‑13‑610(C) of the 1976 Code is amended to read:

“(C) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector. The ballot must be printed on paper of a thickness so that the printing cannot be distinguished from the back and must be of a size and color as directed by the State Election Commission. If more than one ballot is to be used in a primary, each ballot must be printed on different colored paper. The ballot must contain a voting square opposite the name of each candidate, and the voter shall vote by putting a mark in the voting square opposite the name of the candidate of his choice. The State Election Commission may establish, under Chapter 23 of Title 1, such rules and regulations as are necessary for the proper administration of this section.”

SECTION 13. Section 7‑13‑1330 of the 1976 Code is amended to read:

“Section 7‑13‑1330. (A) Before a decision is made to procure a statewide voting system, the State Election Commission must provide a public comment period of not less than thirty days. The input must be considered in the procurement of a statewide voting system.

(B) Before any kind of optical scan voting system is used at any election, it must be approved by the State Election Commission, which shall examine the optical scan voting system and make and file in the commission’s office a report, attested by the signature of the commission’s executive director, stating whether, in the commission’s opinion, the kind of optical scan voting system examined may be accurately and efficiently used by electors at elections, as provided by law. An optical scan voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. If the federal voting system standards and guidelines have been amended less than thirty‑six months prior to an election, then the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

(2) the procedure and cost involved to bring the voting system into compliance with the amended standards.

~~(B)~~(C) No kind of vote recorder not approved pursuant to this section shall be used at any election and if, upon the reexamination of any type vote recorder previously approved, it appears that the vote recorder so reexamined can no longer be accurately and efficiently used by electors at elections as provided by law, the approval of the vote recorder must immediately be revoked by the State Election Commission, and no such type vote recorder shall thereafter be purchased for use or used in this State.

~~(C)~~(D) If a vote recorder, including an optical scan voting system, which was approved for use before July 1, 1999, is improved or otherwise changed in a way since its approval that does not impair its accuracy, efficiency, or capacity, the vote recorder may be used in elections. However, if the software, hardware, or firmware of the system is improved or otherwise changed, the system must comply with the requirements of subsection ~~(A)~~ (B).

~~(D)~~(E) Any person or company who requests an examination of any type of vote recorder or optical scan voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system and a nonrefundable examination fee of five hundred dollars for an upgrade to any existing system to the State Election Commission. The State Election Commission may at any time, in its discretion, reexamine any vote recorder or optical scan voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

~~(E)~~(F) Any person or company who seeks approval for any vote recorder or optical scan voting system in this State must file with the State Election Commission a list of all states or jurisdictions in which the system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction’s chief election official; and must disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

~~(F)~~(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

~~(G)~~(H) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

~~(H)~~(I) Before an optical scan voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer, at the manufacturer’s expense, with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

~~(I)~~(J) After a vote recorder or optical scan voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer ~~or reader to electronically count and record votes~~ or ~~to a~~ printer to accurately reproduce vote totals.

~~(J)~~(K) If the State Election Commission determines that a vote recorder or optical scan voting system that was approved no longer meets the requirements set forth in subsections ~~(A)~~ (B) and ~~(C)~~ (D) or Section 7‑13‑1340, the commission may decertify that system. A decertified system shall not be used in elections unless the system is reapproved by the commission under subsections ~~(A)~~ (B) and ~~(C)~~ (D).

~~(K)~~(L) Neither a member of the State Election Commission, any county board of voter registration and elections or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder, or in the manufacture or sale of the vote recorder.

(M) An optical scan voting system must maintain an image of each ballot that is cast in a manner that protects the integrity of the data and the anonymity of each voter.

(N) All electronic records for a statewide election must be preserved for not less than twenty-four months following the election.”

SECTION 14. Section 7‑13‑1340(k) of the 1976 Code is amended to read:

“(k) ~~if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1330 (C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and timeframe specified by the commission~~ disables, at all times while utilized in a current election, the following:

(1) a connection to the Internet or an external network;

(2) the capability to establish a wireless connection to an external network;

(3) the establishment of a connection to an external network through a cable, a wireless modem or any other mechanism or process; and

(4) automatic resolution functionality for ballots flagged for further review.”

SECTION 15. Sections 7‑13‑1620(A) and (G) of the 1976 Code are amended to read:

“(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission’s office a report, attested to by the signature of the commission’s executive director, stating whether, in the commission’s opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. If the federal voting system standards and guidelines have been amended less than thirty‑six months prior to an election, then the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

(2) the procedure and cost involved to bring the voting system into compliance with the amended standards.”

“(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot ~~tallying~~ tally reporting.”

SECTION 16. Section 7‑13‑1640(C) of the 1976 Code is amended to read:

“(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1620(B), the voting system must be able to electronically transmit vote totals for all elections from the county board of voter registration and elections to the State Election Commission in a format and time frame specified by the commission.

(D) Anytime a voter is eligible to cast a ballot the voting machine and any counting device must have disabled:

(1) a connection to the Internet or an external network;

(2) the capability of establishing a wireless connection;

(3) the establishment of a connection to an external network through a cable, a wireless modem, or any other mechanism or process; and

(4) automatic resolution functionality for ballots flagged for further review.”

(E) All electronic records for a statewide election must be preserved for not less than twenty-four months following the election.”

SECTION 17. Section 7‑13‑440 of the 1976 Code is repealed.

SECTION 18. Section 7‑3‑40 of the 1976 Code is amended to read:

“Section 7‑3‑40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State and all individuals eighteen years of age or older who have died out‑of‑state. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. ~~The bureau must provide this information at no charge.~~”

SECTION 19. Section 7‑5‑186 of the 1976 Code is amended to read:

“Section 7-5-186. (A)~~(1)~~ The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law. The executive director must conduct an annual general registration list maintenance program to maintain accurate voter registration records in the statewide voter registration system.   
 ~~(2)(a)~~(B) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.  
 ~~(b)~~ ~~Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.~~  
 ~~(c)~~ ~~A county board of voter registration and elections shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.~~  
 ~~(3)~~(C) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

(D) A county board of voter registration and elections shall send a notice, as described in Section 7-5-330(F)(2), to a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if a discrepancy exists between information provided under this section and information that is maintained in the statewide voter registration database.

(E) Information provided under this section for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector must only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.”

SECTION 20. 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 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 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 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 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~~ item (1) 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 within seven days after receipt of the report from the county board of voter registration and elections and ~~may~~ shall 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 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 official 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 re‑register to vote.

(3) The county board of voter registration and elections shall correct ~~an~~ the 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 21. Section 7-5-340 of the 1976 Code is amended to read:

Section 7‑5‑340. (A) The State Election Commission shall:

(1) ensure that the name of a qualified elector ~~may not be~~ is removed from the official list of eligible voters ~~except~~ within seven days of receipt of information confirming:

(a) ~~at~~ the request of the qualified elector to be removed;

(b) ~~if~~ the elector is adjudicated mentally incompetent by a court of competent jurisdiction; ~~or~~

(c) ~~as provided under item (2);~~

~~(2)~~ ~~conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:~~

~~(a)~~ the death of the qualified elector; ~~or~~

(d) the elector is not a citizen of the United States; or

~~(b)~~(e) a change in the residence ~~of the qualified elector~~ to a place outside the county in which the qualified elector is registered when such confirmation is received from the qualified elector in writing;

~~(3)~~(2) inform applicants under Sections 7‑5‑155, 7‑5‑310, and 7‑5‑320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

~~(4)~~(3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official ~~lists~~ list of eligible voters in compliance with the provisions of Section 7‑5‑330(F); this ~~subitem~~ item may not be construed to preclude:

(a) the removal of names from the official ~~lists~~ list of eligible voters on a basis described in ~~items~~ item (1) ~~and (2)~~; or

(b) correction of registration records pursuant to this article.”

SECTION 22. Chapter 25, Title 7 of the 1976 Code is amended by adding:

“Section 7‑25‑30. The State Law Enforcement Division shall establish a public reporting hotline telephone number and email address for receiving reports of possible election fraud or other violations of the election laws of this State. It shall promptly review all reported violations and take action as it determines appropriate.”

SECTION 23. Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7-5-350. The State Election Commission shall report to the General Assembly annually regarding the commission’s actions taken to maintain the accuracy of the statewide voter registration database and voter registration list maintenance. This report shall include, but is not limited to, the number of: (1) voters removed from the voter registration list and the reason for the removal; (2) voters placed on inactive status; (3) voters placed on archive status; (4) new voter registrations; and (5) voter registration updates, including elector address changes. This annual report must be delivered to the President of the Senate and the Speaker of the House of Representatives by January fifteenth of each year.”

SECTION 24. Chapter 1, Title 7 of the 1976 Code is amended by adding:

“Section 7‑1‑110. (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have an unconditional right to intervene on behalf of their respective bodies in a state court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action.

(C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted is requested to allow the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

(D) A request to intervene or the participation of the President of the Senate, on behalf of the Senate, or the Speaker of the House of Representatives, on behalf of the House of Representatives, as a party or otherwise, in an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted does not constitute a waiver of:

(1) legislative immunity or legislative privilege for any individual legislator, legislative officer, or legislative staff member; or

(2) sovereign immunity or any other rights, privileges, or immunities of the State that arise under the United States Constitution or the South Carolina Constitution.

(E) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty‑four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(F) In an action in which the Senate or the House of Representatives intervenes or participates pursuant to this section, the Senate and the House of Representatives must function independently from each other in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

(G) The Senate and the House of Representatives may employ attorneys other than the Attorney General to defend any action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

SECTION 25. Section 7‑3‑20(C) of the 1976 Code is amended by adding appropriately numbered items to read:

“( ) establish methods of auditing election results, which may include risk-limiting audits, hand‑count audits, results verification through independent third‑party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. Once completed, audit reports must be published on the commission’s website;”

SECTION 26. A. Section 7‑25‑20 of the 1976 Code is amended to read:

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

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

(2) offer or attempt to vote that name;

(3) 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) aid, counsel, or abet another in fraudulent registration or fraudulent offer or attempt to vote.

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~~ thousand dollars nor more than five ~~hundred~~ thousand dollars ~~or~~ and imprisoned not more than ~~one year, or both~~ five years.”

B. Section 7‑25‑110 of the 1976 Code is amended to read:

“Section 7‑25‑110. It is unlawful for a person qualified to vote at any general, special, or primary election for an office whether local, state, or federal to vote more than once at such election, for the same office. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined ~~in the discretion of the court or~~ not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than ~~three~~ five years.”

C. Section 7‑25‑120 of the 1976 Code is amended to read:

“Section 7‑25‑120. It is unlawful for a person to impersonate or attempt to impersonate another person for the purpose of voting in a general, special, or primary election, whether municipal or State. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be imprisoned not more than ~~three~~ five years ~~or~~ and fined not less than ~~three hundred~~ one thousand dollars nor more than ~~twelve hundred~~ five thousand dollars~~, or both~~. When a person who violates the provisions of this section is placed under bond, the bond may not be less than six hundred dollars nor more than twelve hundred dollars.”

D. Section 7‑25‑160 of the 1976 Code is amended to read:

“Section 7‑25‑160. A manager at any general, special, or primary election in this State who wilfully violates any of the duties devolved by law upon such position is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not ~~more~~ less than ~~five hundred~~ one thousand dollars ~~or~~ nor more than five thousand dollars and imprisoned not more than ~~three~~ five years. A manager who commits fraud or corruption in the management of such election is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not ~~more~~ less than ~~five hundred~~ one thousand dollars ~~or~~ nor more than five thousand dollars and imprisoned not more than ~~three~~ five years~~, or both~~.”

E. Section 7‑25‑170 of the 1976 Code is amended to read:

“Section 7‑25‑170. An officer, other than a manager at any election, on whom a duty is imposed by this title, except under Section 7‑13‑1170, Articles 1 and 3 of Chapter 17 and Chapters 19 and 23 of this title, who wilfully neglects such duty or engages in corrupt conduct in executing it is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not ~~more~~ less than ~~five hundred~~ one thousand dollars ~~or~~ nor more than five thousand dollars and imprisoned not more than ~~three~~ five years.”

SECTION 27. A. Section 7-3-10 of the 1976 Code is amended to read:

“Section 7‑3‑10. ~~(a)~~(A) There is hereby created the State Election Commission composed of five members, to be appointed by the Governor, upon the advice and consent of the Senate, at least one of whom shall be a member of the majority political party represented in the General Assembly, and at least one of whom shall be a member of the largest minority political party represented in the General Assembly~~, to be appointed by the Governor to serve terms of four years and until their successors have been elected and qualify, except of those first appointed three shall serve for terms of two years~~. In considering appointments to the commission, race, gender, and other geographic and demographic factors must be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

(B)(1) The terms of the members of the State Election Commission shall be for four years and until their successors are appointed and qualify, provided, however, that a member may not serve in holdover status for more than one year.

(2) If a member who has been reappointed and who is serving in holdover status is not confirmed by the Senate on or before the sine die adjournment of the General Assembly following the expiration of the member’s term, then the member’s seat is vacated, and he is ineligible to serve on the State Election Commission as a recess or interim appointee.

(3) If a person appointed to serve as a commissioner is rejected by a vote of the Senate, then, if the appointment was an initial appointment, the person cannot take office and is ineligible to serve as an interim appointee to the State Election Commission and, if the appointment was a reappointment, the person may serve the remainder of his term in office, if any, his seat is vacated upon the expiration of his term, and the person is ineligible to serve as a recess or interim appointee to the State Election Commission.

(4) Any vacancy on the ~~Commission~~ commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

~~(b)~~(C) The Governor shall appoint one of the members to serve as chairman for a term of two years and until his successor has been appointed and qualifies. The ~~Commission~~ commission shall select such other officers from among its members as it may deem necessary.

~~(c)~~(D) The commission shall meet at its offices in Columbia at least once each month or at such times as considered necessary by the commission. However, the commission may change the location of the meeting if the change is more convenient for the commission or any parties scheduled to appear before the commission.

~~(d)~~(E) The ~~Commission~~ commission shall have the powers and duties as enumerated in this title.

~~(e)~~(F) No member of the commission may participate in political management or in a political campaign during the member's term of office. No member of the commission may make a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate. Violation of this subsection subjects the commissioner to removal by the Governor.

(G) The commission shall promulgate regulations to establish standardized processes for the administration of elections and voter registration, which must be followed by county boards of voter registration and elections, as established pursuant to Article 1, Chapter 5, Title 7. The standards established by the commission must comply with federal and state statutory, regulatory, and constitutional standards. The commission is prohibited from promulgating emergency regulations pursuant to Section 1-23-130. The standardized processes promulgated pursuant to this subsection must take into account unique circumstances around the State, including, but not limited to, population and geographic disparities among the various counties.

(H) The commission shall provide for the supervision of the conduct of county boards of voter registration and elections, as established pursuant to Article 1, Chapter 5, Title 7, which administer elections and voter registration in the State. The commission is ultimately responsible for ensuring those boards' compliance with the requirements of applicable state or federal law and State Election Commission policies, procedures, and standardized processes with regard to the conduct of elections or the voter registration process by all persons involved in the elections process.”

B. On January 10, 2023, the terms of the members of the State Election Commission are expired, and a new State Election Commission must be established pursuant to Section 7‑3‑10(A), as amended by this act. In order to stagger the terms of the members of the State Election Commission, the initial terms are as follows, regardless of when a member is appointed and qualifies:

(1) the initial appointment of one member of the majority political party represented in the General Assembly and the initial appointment of one member of the largest minority political party represented in the General Assembly are for terms expiring on July 1, 2025; and

(2) the initial appointments of three members are for terms expiring on July 1, 2027.

C. A member whose term expires on January 10, 2023 may continue to serve in the seat in holdover status until a successor is appointed and qualifies, provided that if no successor has received the advice and consent of the Senate by May 9, 2023, or by the deadline for the confirmation of appointments in a sine die resolution that is passed in 2023, whichever is later, then the member’s seat is vacated on the later of the two dates and is ineligible to serve as an interim appointment to the State Election Commission. If a member who is serving in holdover status is rejected by a vote of the Senate, then the member’s seat is vacated on the date the member is rejected by a vote of the Senate and the member is ineligible to serve as an interim appointment to the State Election Commission.

SECTION 28. A. Section 7-3-20 of the 1976 Code is amended to read:

“Section 7‑3‑20. (A) The State Election Commission shall ~~elect~~ appoint an executive director, upon the advice and consent of the Senate, who shall be directly responsible to the commission and who shall serve at the pleasure of the commission. The executive director shall be the chief administrative officer for the State Election Commission. In the event of a vacancy in the position of executive director, an interim director must be appointed by the State Election Commission, and an appointment for a permanent executive director must be submitted to the Senate as soon as practicable. If a person is appointed by the State Election Commission to be executive director and is not confirmed by the Senate by the date for the sine die adjournment of the General Assembly following the appointment, then the person must not serve as an interim or permanent executive director.

(B) The executive director shall receive such compensation and employ such staff, subject to the approval of the State Election Commission, as may be provided by law.

(C) The executive director shall:

(1) direct and supervise the implementation of the standardized processes established by the commission pursuant to Section 7-3-10(G);

(2) supervise the conduct of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, which administers elections and voter registration in the State and ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

~~(2)~~(3) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, to ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies, ~~and~~ procedures, or standardized processes with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

~~(3)~~(4) maintain a complete master file of all qualified electors by county and by precincts;

~~(4)~~(5) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

~~(5)~~(6) enter names on the master file as they are reported by the county boards of voter registration and elections;

~~(6)~~(7) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

~~(7)~~(8) maintain all information furnished to his office relating to the inclusion or deletion of names from the master file for four years;

~~(8)~~(9) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

~~(9)~~(10) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

~~(10)~~(11) obtain information from any other source which may assist him in carrying out the purposes of this section;

~~(11)~~(12) perform such other duties relating to elections as may be assigned him by the State Election Commission;

~~(12)~~(13) furnish at reasonable price any precinct lists to a qualified elector requesting them;

~~(13)~~(14) serve as the chief state election official responsible for implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993;

~~(14)~~(15) serve as the chief state election official responsible for implementing and enforcing the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq.; ~~and~~

~~(15)~~(16) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law~~.~~;

(17) promulgate regulations for voter registrations performed by private entities; and

(18) enter into the master file a separate designation for each voter casting an absentee ballot or an early ballot in an election.

(D) The State Election Commission shall publish on the commission's website each change to voting procedures enacted by state or local governments. State and local governments shall file notice of all changes in voting procedures, including, but not limited to, changes to precincts with the State Election Commission within five days after adoption of the change or thirty‑five days prior to the implementation, whichever is earlier. All voting procedure changes must remain on the commission's website at least through the date of the next general election. However, if changes are made within three months prior to the next general election, then the changes shall remain on the commission's website through the date of the following general election.”

B. The commission must provide an appointment for executive director to the Senate for advice and consent no later than January 10, 2023. This appointment must be made even if there is not a vacancy in the position at that time and the commission desires that the executive director continue to serve as the agency’s executive director.

SECTION 29. Section 7-3-25 of the 1976 Code is amended to read:

“Section 7‑3‑25. (A) In the event that the State Election Commission, acting through its executive director, determines that a county board of elections and voter registration has failed to comply with applicable state or federal law or State Election Commission policies, ~~and~~ procedures, or standardized processes with regard to the conduct of the election or voter registration process, the State Election Commission, acting through its executive director or other designee, must supervise, pursuant to Section 7‑3‑20(C)(1) and (2), the county board to the extent necessary to:

(1) identify the failure to comply with state or federal law or State Election Commission policies, ~~and~~ procedures, or standardized processes;

(2) establish a plan to correct the failure; and

(3) implement the plan to correct the failure. The officials and employees of the State Election Commission and the county board must work together, in good faith, to remedy the failure of the county board to adhere to state or federal law or State Election Commission policies, procedures, or standardized processes. In the event of a difference of policy or opinion between a county election official or employee and the State Election Commission or its designee, pertaining to the manner in which particular functions must be performed, the policy or opinion of the State Election Commission shall control.

(B) If a county board of voter registration and elections does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

(C) If the State Election Commission determines that an official or an employee of a county board of voter registration and elections has negligently failed to comply with applicable state or federal law or State Election Commission policies, ~~and~~ procedures, or standardized processes with regard to the election or voter registration process or fails to comply with or cooperate with the corrective plan established by the State Election Commission or its designee under the provisions of subsection (A), the commission may order the decertification of that official or employee and if decertified the commission shall require that official to participate in a retraining program approved by the commission prior to recertification. If the commission finds that the failure to comply with state or federal law or State Election Commission policies, ~~and~~ procedures, or standardized processes by an official is wilful, it shall recommend the termination of that official to the Governor or it shall recommend termination of a staff member to the director of the appropriate county board of voter registration and elections.”

SECTION 30. Article 1, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑50. Notwithstanding another provision of law, the State Election Commission and the county boards of voter registration and elections may not receive, accept, or expend gifts, donations, or funding from private individuals, corporations, partnerships, trusts, or any third party not provided through ordinary state or county appropriations.”

SECTION 31. Chapter 5, Title 7 of the 1976 Code of Laws is amended by adding:

“Section 7-5-190. The State Election Commission shall ensure that voter registration information, the voting system, and electronic poll books are protected by security measures that meet or exceed current best practices for protecting data integrity. To do so, the State Election Commission shall consider security standards and best practices issued by federal security and intelligence services, including, but not limited to, the Department of Homeland Security and the Election Assistance Commission. The State Election Commission shall certify on an annual basis to the Governor, the President of the Senate, and the Speaker of the House of Representatives that the agency has substantially complied with the requirements of this subsection.”

SECTION 32. A. Section 7-3-70 of the 1976 Code is amended by adding:

“(c) The Department of Motor Vehicles must furnish the executive director a monthly report of all non-United States citizens who are issued a driver’s license or identification card. All reports must contain the name of the driver or identification cardholder, social security number, if any, and date of birth. The department must provide this information at no charge.

B. The first monthly report provided by the Department of Motor Vehicles pursuant to this SECTION must include every non-United States citizen in this State with a driver’s license or identification card.”

SECTION 33. Section 7-13-35 of the 1976 Code is amended to read:

“Section 7-13-35. The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~ 7:00 a.m. on the second day immediately preceding election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.”

SECTION 34. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7-3-45. Each county probate court must furnish to the Executive Director of the State Election Commission a monthly report of all persons eighteen years of age or older who have been declared mentally incapacitated by the county probate court. All reports must include the name, county of residence, social security number or other identification number, and date and place of birth of any incapacitated persons. The county probate court must provide the information to the Executive Director of the State Election Commision free of charge.”

SECTION 35. The State Election Commission must establish a voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held from the effective date of this act until October 21, 2022.

(4) Coordinate with each county board of voter registration and elections so that at least one seminar is conducted with each county’s election officials prior to September 16, 2022.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Send a media release describing the changes in this legislation in South Carolina newspapers of general circulation by no later than June 20, 2022.

(7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.

In addition to the items above, the State Election Commission may implement additional educational programs in its discretion.

SECTION 36. Section 7-15-310 of the 1976 Code is amended to read:

“Section 7-15-310. (7) ‘Authorized representative’ means a registered elector who, with the voter's permission, acts on behalf of a voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or a voter unable because of a physical handicap to go to his polling place or because of a handicap is unable to vote at his polling place due to existing architectural barriers that deny him physical access to the polling place, voting booth, or voting apparatus or machinery. Under no circumstance shall a candidate, ~~or~~ a member of a candidate's paid campaign staff, or a campaign volunteer ~~volunteers reimbursed for the time they expend on campaign activity~~ be considered an ‘authorized representative’ of an elector desiring to vote by absentee ballot.’

SECTION 37. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7-15-400. No absentee ballot application or absentee ballot may be provided by an election official to a qualified elector unless pursuant to a provision of this article or Article 9 of this chapter.”

SECTION 38. Chapter 25, Title 7 of the 1976 Code is amended by adding:

“Section 7-25-65. (A) It is unlawful for a person to provide, offer to provide, or accept anything of value in exchange for requesting, collecting, or delivering an absentee ballot. A person who violates this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than five years.

(B) This section does not apply to an election official in the course and scope of the election official’s duties or a public or private mail service provider acting in the course and scope of the mail service provider’s duties to carry and deliver mail.”

SECTION 39. Section 7-25-180 of the 1976 Code of Laws is amended to read:

“Section 7-25-180. (A) ~~It is unlawful on an election day within five hundred feet of any entrance used by the voters to enter the polling place, for a person to distribute any type of campaign literature or place any political posters~~. It is unlawful for a person to distribute any type of campaign literature or place any political posters within five hundred feet of any entrance used by the voters to enter the polling place, during polling hours on an election day and during the early voting period. The poll manager shall use every reasonable means to keep the area within ~~two~~ five hundred feet of any such entrance clear of political literature and displays, and the county and municipal law enforcement officers, upon request of a poll manager, shall remove or cause to be removed any material within ~~two~~ five hundred feet of any such entrance distributed or displayed in violation of this section.

(B) A candidate may wear within ~~two~~ five hundred feet of the polling place a label no larger than four and one‑fourth inches by four and one‑fourth inches that contains the candidate's name and the office he is seeking. If the candidate enters the polling place, he may not display any of this identification including, but not limited to, campaign stickers or buttons.”

SECTION 40. A. Any changes to forms required by this act must be implemented as soon as possible, but not later than May 31, 2022.

B. Notwithstanding the provisions of this act, a county board of voter registration and elections must honor any request made for absentee ballot for an election during the 2022 calendar year, provided that the request was: (1) received by the county board of voter registration and elections before 5:00 p.m. on May 31, 2022; and (2) made in accordance with the law as of April 21, 2022.

C. An absentee ballot requested prior to the Governor’s approval of this act must not be counted towards the limit on absentee ballot requests as prescribed in Section 7-15-330(B)(4), as added by this act.

D. For the 2022 statewide elections, each county board of voter registration and elections must identify each early voting center it intends to utilize and provide the locations to the State Election Commission Executive Director as follows: (1) for the primary election, no later than May 24, 2022; and (2) for the general election, no later than July 1, 2022. The Executive Director must approve any additions or changes to these early voting centers, and may direct the move of early voting centers to ensure proper distribution throughout each county.

SECTION 41. Section 7‑15‑470 of the 1976 Code is repealed.

SECTION 42. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III 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 43. 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 44. 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 45. A. Except as provided in B. and C. below, all SECTIONS shall take effect upon approval by the Governor.

B. SECTION 2 shall take effect on January 1, 2023.

C. SECTIONS 3 and 6 shall take effect on July 1, 2022.

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