**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4260**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harris

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Introduced in the House on April 5, 2023

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

Summary: Voter Access and Transparency Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/5/2023 House Introduced and read first time ([House Journal‑page 9](h:\hj\20230405.docx))

4/5/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 9](h:\hj\20230405.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4260&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4260_20230405.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “VOTER ACCESS AND TRANSPARENCY ACT”; BY ADDING SECTION 7‑5‑200 SO AS TO REQUIRE THE USE OF PAPER POLL BOOKS ONLY AT VOTING LOCATIONS THROUGHOUT THE STATE; BY ADDING SECTION 7‑13‑870 SO AS TO ESTABLISH CERTAIN INHERENT RIGHTS OF OBSERVATION FOR ALL ELECTION OBSERVERS; BY ADDING SECTION 7‑13‑880 SO AS TO REQUIRE THE USE OF CHAIN OF CUSTODY DOCUMENTATION FOR ALL ELECTION‑RELATED MATERIALS AND THE MAINTENANCE OF CHAIN OF CUSTODY RECORDS FOR A CERTAIN PERIOD OF TIME AFTER AN ELECTION; BY AMENDING SECTION 7‑13‑771, RELATING TO CURBSIDE VOTING FOR HANDICAPPED AND ELDERLY ELECTORS, SO AS TO REQUIRE THAT AN ELECTOR FIRST AFFIRM HIS INABILITY TO EITHER ENTER A POLLING PLACE OR STAND IN LINE BEFORE BEING ISSUED A CURBSIDE VOTING BALLOT; BY AMENDING SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO EARLY VOTING, AND TO DELETE THE PROVISION ALLOWING PERSONS SIXTY‑FIVE YEARS OF AGE OR OLDER TO VOTE BY ABSENTEE BALLOT; AND BY REPEALING SECTION 7‑13‑25 RELATING TO EARLY VOTING.

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

SECTION 1. This act may be cited as the “Voter Access and Transparency Act”.

SECTION 2. Article 3, Chapter 5, Title 7 of the S.C. Code is amended by adding:

Section 7‑5‑200. Only paper poll books may be used at voting locations in any election throughout this State. The purchase of electronic poll books, or the use of electronic poll books during an election, is prohibited.

SECTION 3. Article 7, Chapter 13, Title 7 of the S.C. Code is amended by adding:

Section 7‑13‑870. It is the inherent right of every citizen to observe the election process in its entirety including the testing of any and all equipment or processes prior to the election, all operations during the absentee voting and on election day, chain of custody of the election materials, all processes related to the canvassing, counting, and tabulation of ballots, and any postelection audits of processes or results. Observers must be able to view any component or election process while remaining at least five feet away from voters. Observers must not communicate with a voter while the voter is inside the polling place.

SECTION 4. Article 7, Chapter 13, Title 7 of the S.C. Code is amended by adding:

Section 7‑13‑880. (A)(1) Any and all parts and components of the voting system, as well as any other systems, equipment, hardware, materials, and devices used to conduct election‑related processes, must be accounted for throughout the time and place of their use.

(2) The provisions of this section apply to any off‑the‑shelf equipment or components used to conduct elections.

(3) The types of election equipment, components, and other items subject to the provisions of this subsection specifically include, but are not limited to, machines, ballots, poll books, Internet connectivity devices or hardware, ballots, tamper‑evident seals, flash drives, and printers.

(B) Each county board of voter registration and elections shall maintain such chain of custody records throughout the twenty‑four month retention period. Chain of custody documentation must include, without limitation, the location, ballot container seal numbers, date, time, and ballot couriers for every transfer or change made with respect to the materials or information referenced in this section. The name of any person who comes into contact with or modifies, moves, transfers, updates, or interacts with the materials referenced in this section must be recorded along with the reason for that person’s interaction.

SECTION 5. Section 7‑13‑771 of the S.C. Code is amended by adding a subsection to read:

(E) Before giving a ballot to a voter who seeks to vote curbside pursuant to the provisions of this section, the managers shall inform the voter that curbside voting is only permitted for electors who, because of physical handicap or age, cannot enter the polling place or are unable to stand in line to vote. The voter must then sign an affirmation indicating the voter is unable to enter the polling place or stand in line due to physical handicap or age.

SECTION 6. Section 7‑15‑320 of the S.C. Code is amended to read:

Section 7‑15‑320. (A) Qualified electors in 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 an election:

(1) persons with employment obligations who present written certification of the obligations to the county board of voter registration and elections;

(2) persons who will be attending sick or physically disabled persons;

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

(4) persons who are going to be absent from their county of residence.

(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 on election day:

(1) physically disabled persons;

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

(3) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them; or

(4)(3) 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.

SECTION 7. Section 7‑13‑25 of the S.C. Code is repealed.

SECTION 8. (A) For each statewide primary, general, or special election conducted in the 2024 calendar year, at least three counties must participate in a pilot program by which all votes cast within each county must be on hand‑marked paper ballots and counted by hand.

(B) Each precinct within each participating county shall hand count all ballots at a central location within the precinct in a manner that can be observed by the public both in‑person and online via streaming high‑definition video. Provided, the secrecy of the ballot must be maintained at all times such that the identity of a voter cannot be tied to a ballot cast.

(C) Nothing in this SECTION may be construed so as to preclude compliance with federal and state law requirements including, without limitation, at least one accessible voting machine or system per polling place equipped for individuals with disabilities in accordance with 52 U.S.C. Section 21081 of the "Help America Vote Act of 2002".

SECTION 9. This act takes effect upon approval by the Governor and applies to all elections conducted after January 1, 2024.

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