

CHAPTER 45

State Election Commission

(Statutory Authority: 1976 Code Title 7, Chapter 13, Article 13)

45-1. Definitions.

A. The words "ballot card" shall mean the tabulation or punch card upon which an elector records his vote by the use of a vote recorder;

B. The words "ballot label" shall mean the card, paper, or other material placed on the vote recorder containing the names of offices and candidates and statements, questions, and propositions to be voted on; however, the ballot card and ballot label may be by design combined on the same card, paper, or other material if required to suit the particular type of vote recorder approved and being used in the county;

C. The words "defective ballot card" shall mean a ballot card that is so torn, bent, or otherwise defaced or has been marked by other than the marking device, so that it cannot be counted by the automatic tabulating machine;

D. The words "tabulating machine" shall mean any data processing machine used in counting ballot cards and tabulating votes thereon;

E. The words "vote recorder" shall mean a device into which a ballot card may be inserted so that an elector may record his vote for any candidate and for or against any question or proposition by punching or marking the ballot card; and

F. The words "vote recorder" or "tabulating machine" shall not include a voting machine.

45-2. Instructions and Certification of Managers and Clerks in the Use of Vote Recorders.

Not less than ten nor more than twenty-one days before each election in counties in which vote recorders are to be used, the commissioners of elections or other electoral board shall instruct or cause to be instructed in the use of the vote recorder, and in their duties in connection therewith, the managers and clerks appointed to serve in such election, and who have not been previously instructed and found qualified. The commissioners of election or other electoral board shall give to each poll manager and clerk, who has received such instruction and is found qualified to conduct such election with the vote recorder, a certificate to that effect. For the purpose of giving such instructions, the commissioners of election or other electoral board shall call such meeting or meetings of managers and clerks as shall be necessary. Each manager and clerk shall, upon notice, attend such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the election with vote recorders. No manager or clerk shall serve at any election at which a vote recorder is used unless he shall have received such instructions, shall have been qualified to perform his duties in connection with the vote recorder, and shall have received a certificate to that effect from the commissioners of election or other electoral board. But nothing herein shall be construed to prevent the appointment of a person as a manager or clerk of election to fill a vacancy on the day of the election or on the preceding day.

45-3. Tabulating Center Personnel.

All tabulating center personnel must be trained or caused to be trained by the commissioners of election or other electoral board in their respective duties and certified as required in 45-2, above, of these Regulations. All programmers, operators, and other data center personnel performing any function or duty with respect to tabulating votes before election day, on election day, or subsequent to

election day, shall take an oath as provided for managers and clerks in § 7-13-80 of the 1976 S. C. Code.

45-4. Certification of Program Instructions.

During the official computer certification, all program test decks, program instructions, and print out sheets become property of the commissioners of election or other electoral board. All program instructions must be certified by the programmers who programmed them, and such instructions shall be kept with the test decks, and following consolidation and certification of the election returns filed as follows:

1. With the commissioners of election in general and special elections, other than municipal elections;
2. With the County Executive Committee in primary elections;
3. With the City or Town Clerk in municipal elections and;
4. With the electoral board charged with the duty of conducting any other type election.

45-5. Ballot Envelopes and Fold Over Ballot Cards.

In vote recorder counties, in order to insure secrecy of the ballot and to provide for write-in space in elections, the commissioners of election or other electoral board shall authorize the use of one of the following types of ballot cards:

A. Ballot Card and Envelope.

1. Use in Primaries—the ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. After the polls close and the ballot box is opened, poll managers shall separate ballot cards from ballot envelopes and the envelopes shall be returned to the County Executive Committee with other election supplies.

2. Use in Elections Other Than Primaries—the ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. The ballot card and the ballot envelope must remain together in the ballot box in order to constitute a valid vote. Separated ballots shall be classified as invalid ballots and shall not be counted. After the polls close, the poll managers shall review the ballot card and the ballot envelope to ascertain whether the voter has cast write-in votes. If no write-in vote is recorded on the ballot envelope, such envelopes shall be returned to the commissioners of election or other electoral board with the other election supplies. If a write-in vote has been recorded on the ballot envelope, the poll managers shall follow the provisions of § 7-13-1410(f) of the 1976 S. C. Code.

B. Fold Over Ballot Card.

1. Use in Primaries—after the polls close and the ballot box is opened, poll managers shall separate the punch portion of the card from the fold over portion and the latter portion shall be returned to the County Executive Committee with other election supplies.

2. Use in Elections Other Than Primary Elections—the punch portion of the card and the write-in fold over portion must remain together in the ballot box in order to constitute a valid vote. Separated ballots shall be classified as invalid ballots and shall not be counted. After the polls close, the poll managers shall review the fold over ballot card to ascertain whether the elector has cast any write-in votes. If no write-in vote is recorded on the write-in portion of the ballot, then the write-in portion of the ballot card shall be returned to the commissioners of election or other electoral board with the other election supplies. If a write-in vote has been recorded on the proper portion of the fold over ballot card, the poll managers shall follow the provisions of § 7-13-1410(f) of the 1976 S. C. Code.

45-6. Defective Ballot Cards.

Defective ballot cards in precincts using vote recorders may be separated from other ballot cards, duplicated according to § 7-13-1410(f) of the 1976 S. C. Code, tabulated and added to the official election returns of the precinct. When a defective ballot is duplicated, one election official shall read the defective ballot to a second election official who shall punch the duplicated card. Such punched duplicated card and the original shall be reviewed by one other election official in order to be sure a true and accurate duplicate of the original ballot has been made.

45-7. Ballot Cards, Sealed After Tabulation.

In vote recorder precincts, as soon as the ballot cards for a precinct have been run through the computer, the ballot cards, together with a copy of the precinct return and the precinct header cards shall be placed in a container plainly marked with the precinct name, sealed with paper seals, signed by at least two election officials and filed as follows:

1. With the commissioners of election in general and special elections, other than municipal elections;
2. With the County Executive Committee in primary elections;
3. With the City or Town Clerk in municipal elections and;
4. With the electoral board charged with the duty of conducting any other type of election.

45-8. Defective and Duplicate Ballot Cards, Sealed After Tabulation.

In vote recorder precincts, duplications of defective ballots shall be tabulated by precinct and kept along with the original defective ballots, by precinct, in a container clearly marked "Defective Ballots for _____ Precinct, (or Precincts)," sealed with paper seals, signed by at least two election officials, and filed as follows:

1. With the commissioners of election in general and special elections, other than municipal elections;
2. With the County Executive Committee in primary elections;
3. With the City or Town Clerk in municipal elections and;
4. With the electoral board charged with the duty of conducting any other type of election.

45-9. Write-in Ballots, Sealed After Tabulation.

After tabulation, the ballot envelopes or fold over write-in portion shall be placed in a container clearly marked with the precinct name, sealed with paper seals, signed by at least two election officials, and filed as follows:

1. With the commissioners of election in general and special elections, other than municipal elections;
2. With the County Executive Committee in primary elections;
3. With the City or Town Clerk in municipal elections and;
4. With the electoral board charged with the duty of conducting any other type of election.

45-10. Retention and Disposition of Certain Voting Records.

The programmed test decks, program instructions, print out sheets, ballot cards, write-in envelopes, write-in fold over ballot cards, defective ballot cards and duplications of defective ballot cards referred to in 45-4, 45-5, 45-6, 45-7, 45-8, and 45-9, above, of these Regulations may be retained permanently in the discretion of the particular electoral board with which they are filed; provided, however, none of these records can be destroyed until all contested elections have been decided and all appeals from such decisions have been exhausted.