**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3189**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cobb‑Hunter, Thigpen and J.L. Johnson

Document Path: l:\council\bills\jn\3316ph21.docx

Introduced in the House on January 12, 2021

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

Summary: Elections by mail

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 106](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 106](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: J.L.Johnson

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3189&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3189_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑200 SO AS TO ESTABLISH PROCEDURES FOR CONDUCTING ELECTIONS BY MAIL.

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 7‑13‑200. (A) In addition to the voting methods currently authorized by law and subject to the prohibition against voting more than once at an election as provided in Section 7‑25‑110, voting by mail is permitted as provided in this section.

(B) The Executive Director of the State Election Commission by rule shall establish requirements and criteria for the designation of places of deposit for ballots cast in an election. The rules also shall specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section must be open on the date of the election for a period of eight or more hours, but must be open until at least 7:00 p.m. Each place of deposit designated under this section, the county board of voter registration and elections (county board) shall prominently display a sign stating that the location is an official ballot drop site.

(C)(1) In addition to the voting methods currently provided by law and except as provided in items (2) and (3), the county board shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope no sooner than the twentieth day before the date of an election and no later than the fourteenth day before the date of the election, to each active elector in the county as of the twenty‑first day before the date of the election.

(2) If the county board determines that an active elector of the county as of the twenty‑first day before the date of the election does not receive daily mail service from the United States Postal Service, the county board shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector no sooner than the twentieth day before the date of an election and no later than the eighteenth day before the date of the election.

(3) In the case of ballots to be mailed to addresses outside South Carolina to electors who are not military or overseas electors, the county board may mail the ballots no sooner than the twenty‑ninth day before the date of the election.

(D) For each elector who updates a voter registration after the deadline, the county board shall make the official ballot, the return identification envelope, and the secrecy envelope available either by mail or at the county board’s office. An elector to whom this subsection applies shall request a ballot from the county board.

(E) The ballot must contain the following warning:

‘A person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to prosecution pursuant to the provisions of Chapter 25, Title 7 of the South Carolina Code of Laws.’

(F)(1) Upon receipt of a ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot.

(2) The elector may return the marked ballot to the county board by United States mail or by depositing the ballot at the office of the county board or to a place designated pursuant to the provisions of subsection (B).

(3) The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector shall provide the postage.

(4) Subject to item (5), if a person returns a ballot for an elector, the person shall deposit the ballot in the manner described in item (2) no later than two days after receiving the ballot.

(5) A ballot must be received either at the office of the county board or at a place designated pursuant to the provisions of subsection (B) no later than the end of the period determined pursuant to subsection (B) on the date of the election.

(G) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots must be issued and processed as described in this section or otherwise provided by law. The county board shall keep a record of each replacement ballot provided under this subsection. Notwithstanding a deadline for mailing ballots in subsection (C), a replacement ballot may be mailed or made available in the office of the county board. A replacement ballot may not be mailed after the fifth day before the date of the election.

(H) A ballot must be counted only if:

(1) it is returned in the return identification envelope;

(2) the envelope is signed by the elector to whom the ballot is issued; and

(3) the signature is verified as provided in subsection (I) of this section.

(I) The county board shall verify the signature of each elector on the return identification envelope with the signature on the elector’s registration record, according to the procedure provided by rules adopted by the State Election Commission. If the county board determines that an elector to whom a replacement ballot has been issued has voted more than once, the county board shall count only one ballot cast by that elector.

(J) At 7:00 p.m. on election day, electors who are at the county board’s office or a place designated pursuant to the provisions of subsection (B) and who are in line waiting to deposit a voted ballot must be considered to have begun the act of voting.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑