

July 7, 2017

SEC Response to June 29, 2017 Executive Subcommittee Request for Additional Information

1. In regards to Law Change #3 (Closing Registration Books), does the agency recommend 28 days or 25 days?

After further study, the SEC recommends a 25-day deadline which would make the voter registration deadline fall on a weekday for elections held on both Tuesdays and Saturdays. See attachment titled "Recommended Change to Law #3".

2. To assist in analysis of Law Change #5 (Municipal Elections), please provide the following:
 - a. Excel chart which includes a list of all election types (e.g., governor, county, municipality, special purpose district, school district, referendum, etc.), and for each, when it is typically held, the entities involved in coordinating it (e.g., SEC, county registration and election board, municipality, school district, etc.) and average cost, to the extent known, to each entity.

See attachment titled "Election Types".

Also see Additional Information below.

3. To assist in analysis of Law Change #6 (Partisan and Non-Partisan Primaries), please provide any additional information available to the agency regarding the number of school districts that (1) do not hold a non-partisan primary, and (2) hold a non-partisan primary on another date.

The SEC is aware of only one school district that holds a non-partisan primary. Kershaw holds their non-partisan primary on the same day as the statewide primaries (the second Tuesday in June of even-numbered years).

4. To assist in analysis of the potential recommendation regarding the court providing notice to the SEC of individuals deemed mentally incompetent, please provide any additional information available regarding which entities are provided notice when an individual is deemed mentally incompetent and if the SEC could obtain notice from the court or one of the other entities notified.

The SEC is working with Court Administration and SLED to determine what entity, if any, has a comprehensive list of individuals deemed mentally incompetent by the courts. As of this response, the responsible party has not been identified.

Additional Information

Current Municipal Election Dates (updated 6/30/2017)

Election Date	Number of Municipalities
November Odd Year	128 (47%)
November Even Year	34 (13%)
Other Date	109 (40%)

Municipal Voter Participation Comparison

Election Date	Small (Pop. Approx. 1.3K)	Medium (Pop. Approx. 8K)	Large (Pop. Approx. 23K)
November Odd Year	28.6% (Due West, 11/3/15)	7.4% (Monck’s Corner, 11/3/15)	8.4% (Easley, 11/3/15)
November Even Year	43.1% (Johnsonville, 11/4/14)	23.7% (Lancaster, 11/4/14)	15.6% (Greenwood, 11/8/16)
Other Date	5.1% (Elgin, 2/7/17)	14.5% (Seneca, 3/11/14)	8.4% (Anderson, 4/8/14)

School Boards and Public Service Districts on Dates Other Than November of Even Year

School Boards	14	<u>Affected Counties:</u> Abbeville, Bamberg, Barnwell, Cherokee, Clarendon, Florence, Greenwood, Laurens, Orangeburg, Marion, and Spartanburg
Public Service Districts	20	<u>Affected Counties:</u> Greenville and Spartanburg

Filing Fees for Presidential Preference Primaries

South Carolina charges a filing fee of \$20,000 to candidates who file to run in the state’s Presidential Preference Primaries. Parties may also charge candidates a certification fee which is retained by the party.

Democratic Party – Total fees paid by candidates in Democratic Presidential Primaries may not exceed \$2,500 by Democratic National Committee rules.

Republican Party – The Republican National Committee allows states to set filing fees for the party’s Presidential Primaries candidates. The table below shows total candidate filing fees for Republican Presidential Primaries by state.

State	Fee	State	Fee
Alabama	\$10,000	Montana	\$0
Alaska	\$2,500	Nebraska	\$0
Arizona	\$0	Nevada	\$12,500
Arkansas	\$25,000	New Hampshire	\$1,000
California	\$0	New Jersey	\$0
Colorado	\$0	New Mexico	\$0
Connecticut	\$0	New York	\$0
Delaware	\$0	North Carolina	\$0
Florida	\$0	North Dakota	\$0
Georgia	\$0	Ohio	\$0
Hawaii	\$5,000	Oklahoma	\$2,500
Idaho	\$1,000	Oregon	\$0
Illinois	\$0	Pennsylvania	\$200
Indiana	\$0	Rhode Island	\$0
Iowa	\$0	South Carolina	\$40,000
Kansas	\$15,000	South Dakota	\$0
Kentucky	\$15,000	Tennessee	\$0
Louisiana	\$1,125	Texas	\$5,000
Maine	\$10,000	Utah	\$5,000 - \$10,000
Maryland	\$0	Vermont	\$2,000
Massachusetts	\$0	Virginia	\$0
Michigan	\$0	Washington	\$0
Minnesota	\$0	West Virginia	\$2,500
Mississippi	\$0	Wisconsin	\$0
Missouri	\$1,000	Wyoming	\$0

Election Types

Election Type	Election Date	Coordinating Entities	Average Cost
General Election (President, Governor, US Senate, US House, State Senate, State House, Solicitors, countywide and less-than-countywide offices)	First Tuesday after the First Monday in November in each even-numbered year	State Election Commission, County Boards of Voter Registration and Elections	\$3M
Statewide Primaries/Runoffs	Statewide primaries are held on the second Tuesday in June in each even-numbered year. Runoffs are held two weeks following the primaries.	State Election Commission, County Boards of Voter Registration and Elections	\$3.5M
Presidential Preference Primaries	Date set by the political parties	State Election Commission, County Boards of Voter Registration and Elections	\$2.6M
Municipal Elections	Determined by the governing body of the municipality by ordinance (see stats under Additional Information in July 6 response to Committee questions on when most municipal election are held).	Municipal Election Commission or County Board of Voter Registration and Elections (if authority has been transferred under S.C. Code of Laws Section 5-15-145)	Unknown
Public Service Districts	Determined by enabling legislation. Most PSDs are held with the General Election. Some PSDs in Greenville and Spartanburg are held on a different date.	County Boards of Voter Registration and Elections	Unknown
School Districts	Determined by enabling legislation. Most school district elections are held with the General Election. Fourteen school districts hold elections on a date other than the General Election (see stats under Additional Information in July 6 response to Committee questions).	County Boards of Voter Registration and Elections. (Except for one school district in Florence County that conducts its own election in conjunction with an annual public meeting.)	Unknown
Referendums	There are various referendum types. Some are required to be held at the time of the General Election, others can be set at other times according to rules set by law.	County Boards of Voter Registration and Elections, Municipal Election Commissions	Unknown

Recommended Change to Law # 3

SECTION 7-5-150. Closing registration books; registration of persons coming of age while books closed.

The registration books shall be closed ~~thirty~~ twenty four days before each election, but only as to that election or any second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided, that the registration books shall be closed ~~thirty~~ twenty four days before the June primary and shall remain closed until after the second primary and shall likewise be closed ~~thirty~~ twenty four days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of ~~thirty~~ twenty four days shall be entitled to register before the closing of the books if otherwise qualified.

SECTION 7-5-155. Registration of electors by mail.

(a) Notwithstanding any other provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of Section 7-5-150, any qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than ~~thirty~~ twenty five days before any election to his county board of voter registration and elections. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of the registration books before any election.

(2) If the county board of voter registration and elections determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to Section 7-5-180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector's signature is not required so long as the conditions set forth above are met.

(3) Any application must be rejected for any of the following reasons:

(i) any portion of the application is not complete;

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- (ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;
 - (iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.
- (4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to Section 7-5-180.
- (b) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.
 - (c) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in Section 7-5-310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

(d) The original applications must remain on file in the office of the county board of voter registration and elections.

(e) The State Election Commission may promulgate regulations to implement the provisions of this section.

SECTION 7-5-185. Electronic applications for voter registration.

(A) A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received ~~thirty~~ twenty five days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver's license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the

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applicant's signature from his driver's license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) An application submitted pursuant to this section must contain the applicant's 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 a 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 attest to the following: "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." An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver's license or state identification card issued by the Department of Motor Vehicles and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.

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SECTION 7-5-220. Certificates shall be invalid at election within ~~thirty~~ twenty four days of issuance.

Except as provided in Section 7-5-150, registration made ~~thirty~~ twenty four days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.

SECTION 7-5-330. Completion, receipt, and disposition of voter registration application; discretionary removal of elector.

(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~~ twenty five 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~~ twenty five 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~~ twenty five 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~~ twenty five 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 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 and may 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

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(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~~ twenty five 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 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 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.