~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 26, 2009

**H. 3418**

Introduced by Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge

S. Printed 2/26/09--H.

Read the first time February 3, 2009.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

State Election Commission

A review of this bill by the State Election Commission indicates there will be a cost to the General Fund of the State of approximately $110,000 for voter education, on-line poll manager training and updating handbooks.

Department of Motor Vehicles

The department indicates this bill will have a onetime impact of $3,520 for cost associated with programming and testing of the system to accommodate the requirements of this bill.

South Carolina Department of Transportation (SCDOT)

As amended by House Judiciary, the bill strikes the later portion of Section 56-1-3350, which directs funding to the SCDOT State Non-Federal Aid Highway Fund. As a result, the SCDOT indicates this would have a negative impact on the department’s revenue stream and other funds expenditure levels.

**SPECIAL NOTES:**

The State Election Commission requests funding for primary and statewide general elections, and if this bill is enacted, these additional expenditures would be included as part of its budget request.

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this or any other bill.

*Approved By:*

Harry Bell

Office of State Budget

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

State Election Commission

A review of this bill by the commission indicates there will be a cost to the General Fund of the State of approximately $130,000 for voter education, on-line poll manager training and updating handbooks along with replacing lost/misplaced voter registration cards.

Department of Motor Vehicles

***The department indicates this bill will have a onetime impact of $3520 for cost associated with programming and testing of the system to accommodate the requirements of this bill.***

**SPECIAL NOTES:**

It should be noted that the State Election Commission requests funding for primary and statewide general elections, and if this bill is enacted, these additional expenditures would be included as part of its budget request.

*The italicized portion of this impact indicates items that have been revised. For this impact, the revised constitutes information that was not available in the original impact.*

*Approved By:*

Harry Bell

Office of State Budget

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT** 1/

This bill is expected to reduce fund allocations to the State Non-Federal Aid Highway Fund (NFH) within the Department of Transportation (DOT) by $357,000 in FY 2009-10. The bill would have no impact on state general fund revenue.

**Explanation**

This bill, as amended, changes the means of photo identification to use as proof of a person’s right to vote in this State to include a passport or military identification issued by the federal government. It amends Section 56-1-3350 to provide that a photo identification card will be issued at no charge by the Department of Motor Vehicles (DMV). The current ID card fee is $5 and only certain indigent or homeless persons may have that fee waived. The effective date of this change is January 1, 2010.

All photo ID card proceedsgo to the restricted account of the State Non-Federal Aid Highway Fund (NFH) within the Department of Transportation (DOT).The projected revenue loss to issue an ID card at no fee would apply to five months of collections in FY 2009-10. Based on historical collections for this $5 fee, we expect adoption of the bill would reduce funds allocated to the NHF within DOT by $357,000 in FY 2009-10. Since no revenue from ID card fees currently goes to the state’s general fund, adoption of the bill would have no impact on general fund revenue in FY 2009-10.

*Approved By:*

William C. Gillespie

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND SECTION 7‑13‑710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

Amend Title To Conform

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

SECTION 1. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid South Carolina driver’s license, ~~or~~ other form of identification containing a photograph issued by the Department of Motor Vehicles, ~~if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector~~ or a passport or military identification issued by the federal government. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(B) If the elector cannot produce a valid South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles or a passport or military identification issued by the federal government as required in subsection (A), the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration prior to certification by the county board of canvassers.”

SECTION 2. Section 7‑17‑10 of the 1976 Code, as last amended by Act 261 of 2002, is further amended to read:

“Section 7‑17‑10. The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat ~~on the Friday next following the election, before one o’clock in the afternoon of~~ ten days from the date of the general election, after noon on that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 3. Section 7‑17‑220 of the 1976 Code, as last amended by Act 276 of 1992, is further amended to read:

“Section 7‑17‑220. Unless otherwise provided in Section 7‑3‑10(c), the Board of State Canvassers shall meet at the office of the Election Commission ~~within ten days after any general election~~ no more than five days after the commissioners of election meet pursuant to Section 7‑17‑10 for the purpose of canvassing the vote for all officers voted for at such election, including the vote for the electors for President and Vice‑President, and for the purpose of canvassing the vote on all Constitutional Amendments and questions and other issues.”

SECTION 4. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by ~~any~~ a person five years of age or older who is a resident of South Carolina, the Department of Motor Vehicles shall issue a special identification card, at no charge, as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

~~The fee for the issuance of the special identification card is five dollars, and the identification card expires five years from the date of issuance. The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section “indigent” means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(B) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

~~The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State Non‑Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 5. This act takes effect January 1, 2010.

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