~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2009

**H. 3608**

Introduced by Reps. Mack, Alexander, Allen, R.L. Brown and Williams

S. Printed 4/22/09--H.

Read the first time February 25, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3608) to amend the Code of Laws of South Carolina, 1976, by adding Section 7‑13‑25 so as to provide that the authority charged by law conducting an election, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7-3-20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a)who is deceased;

(b)who is no longer qualified to vote in the precinct where currently registered;

(c)who has been convicted of a disqualifying crime;

(d)who is otherwise no longer qualified to vote as may be provided by law; or

(e)who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993; and

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq;

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots as provided in Section 7-13-25 in a general election.

SECTION 2. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period. The qualified elector may accomplish this at a voting place, in his county of residence, that is established as an early voting center by the county boards of election.

(B) Early voting centers shall allow duly registered voters of that county to vote outside their precinct.

(C) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(D) A qualified elector, who is registered, may cast his ballot at an early voting center established by the county boards of election.

(E) Each county board of elections shall establish a minimum of one early voting center.

(F) The early voting period begins the thursday before a statewide primary or general election and ends the following Saturday.

(G) A qualified elector must be able to vote at his county’s early voting center during all hours of operation which must be from 7:00 a.m. until 7:00 p.m. Thursday, 7:00 a.m. until 7:00 p.m. Friday, and from 9:00 a.m until 5:00 p.m. on Saturday.

(H) The county boards of election shall determine the locations for early voting centers. These locations for the early voting centers must be posted pursuant to the provisions of Section 30‑4‑80.

(I) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A CRIME THAT WILL BE CAUGHT AND PROSECUTED’.

(J) All diligence must be given in locating early voting centers to ensure convenient and accessible facilities in which to vote.”

SECTION 3. Section 7-15-30 of the 1976 Code, as last amended by Act 193 of 2989, is further amended to read:

“Section 7-15-30. To vote by absentee ballot, a qualified elector ~~or a member of his immediate family~~ must request an application to vote by absentee ballot in person, ~~by telephone,~~ or by mail from the county registration board, ~~or at an extension office of the board of registration as established by the county governing body,~~ for the county of the voter’s residence. ~~A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.~~ A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county registration board in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration. The board of registration shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 4. Section 7-15-470 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30‑4‑80.

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 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may register to vote and cast his ballot, without excuse, during an early voting period. The qualified elector may accomplish this at a voting place, in his county of residence, that is established as an early voting center by the county boards of election.

(B) Early voting centers shall allow duly registered voters of that county to vote outside their precinct.

(C) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(D) A qualified elector, who is registered, may cast his ballot at an early voting center established by the county boards of election.

(E) Each county board of elections shall establish a minimum of one early voting center.

(F) The early voting period begins fifteen days before the statewide primary or general election and ends three days before it.

(G) A qualified elector must be able to register, in person, and vote at his county’s early voting center during all hours of operation.

(H) The county boards of election shall determine the locations and hours of operation for early voting centers. These locations and hours of operation for the early voting centers must be posted pursuant to the provisions of Section 30‑4‑80.

(I) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A CRIME THAT WILL BE CAUGHT AND PROSECUTED’.

(J) All diligence must be given in locating early voting centers to ensure convenient and accessible facilities in which to vote.”

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

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