**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3961**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, G.R. Smith, Sellers, Bingham, Bales and Ott

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Companion/Similar bill(s): 1, 3003

Introduced in the House on March 29, 2011

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

Summary: Definition of domicile

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/29/2011 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj%20archive\2011\03-29-11.docx))

3/29/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj%20archive\2011\03-29-11.docx))

**VERSIONS OF THIS BILL**

[3/29/2011](file:///p:\pprever\2011-12\3961_20110329.docx)

**A** **BILL**

TO AMEND SECTION 7‑1‑25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “DOMICILE”, SO AS TO PROVIDE FACTORS TO CONSIDER IN DETERMINING A PERSON’S INTENTION REGARDING HIS DOMICILE; AND TO AMEND SECTION 7‑5‑230, AS AMENDED, RELATING TO THE BOARDS OF REGISTRATION BEING THE JUDGES OF THE LEGAL QUALIFICATIONS OF ALL APPLICANTS FOR REGISTRATION, SO AS TO ADD A REFERENCE TO SECTION 7‑1‑25 AND DELETE CERTAIN CRITERIA USED WHEN CONSIDERING A CHALLENGE REGARDING THE RESIDENCE OF AN ELECTOR.

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

SECTION 1. Section 7‑1‑25 of the 1976 Code, as added by Act 103 of 1999, is amended to read:

“Section 7‑1‑25. (A) A person’s residence is his domicile. ‘Domicile’ means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he:

(1) has abandoned his prior home; and

(2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes*,* factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

(1) a voter’s address reported on income tax returns;

(2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12‑43‑220(c);

(3) a voter’s physical mailing address;

(4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles;

(5) a voter’s address on legal and financial documents;

(6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter’s address on an automobile registration;

(8) a voter’s address utilized for membership in clubs and organizations;

(9) the location of a voter’s personal property;

(10) residence of a voter’s parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.”

SECTION 2. Section 7‑5‑230 of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“Section 7‑5‑230. (A) The boards of registration to be appointed under Section 7‑5‑10 ~~shall~~ must be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

(B) Once a person is registered, challenges of the qualifications of ~~any~~ an elector, except for challenges issued at the polls pursuant to Sections 7‑13‑810, 7‑13‑820, and 7‑15‑420 must be made in writing to the board of registration in the county of registration. The board ~~must~~, within ten days following the challenge and after first giving notice to the elector and the challenger, shall hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications ~~set forth~~ provided for in Section 7‑5‑120.

(C) ~~When~~ If a challenge is made regarding the residence or domicile of an elector, the board ~~may~~ shall consider the provisions of Section 7‑1‑25(D) ~~following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver’s license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector’s statements as to his intent~~.

(D) ~~Any~~ A person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge ~~thereof~~ of these and subsequently to the Supreme Court.”

SECTION 3. This act takes effect upon approval by the Governor.

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