**South Carolina General Assembly**

119th Session, 2011-2012

**A265, R311, H4945**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J.H. Neal, Dillard, Bannister, G.R. Smith, Bowers, Cobb‑Hunter, Delleney, Hixon, Long, Pope and Young

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Introduced in the House on March 1, 2012

Introduced in the Senate on April 24, 2012

Last Amended on May 31, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Voter registration

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/1/2012 House Introduced and read first time ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2012%5C03-01-12.docx))

 3/1/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2012%5C03-01-12.docx))

 3/28/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 40](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/29/2012 House Amended ([House Journal‑page 109](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 3/29/2012 House Debate adjourned until Tues., 04‑17‑12 ([House Journal‑page 111](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 4/19/2012 House Read second time ([House Journal‑page 63](file:///h%3A%5Chj%20archive%5C2012%5C04-19-12.docx))

 4/19/2012 House Roll call Yeas‑94 Nays‑0 ([House Journal‑page 64](file:///h%3A%5Chj%20archive%5C2012%5C04-19-12.docx))

 4/19/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 65](file:///h%3A%5Chj%20archive%5C2012%5C04-19-12.docx))

 4/20/2012 House Read third time and sent to Senate ([House Journal‑page 4](file:///h%3A%5Chj%20archive%5C2012%5C04-20-12.docx))

 4/20/2012 Scrivener's error corrected

 4/24/2012 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C04-24-12.docx))

 4/24/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C04-24-12.docx))

 4/27/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

 5/30/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 18](file:///h%3A%5Csj%20archive%5C2012%5C05-30-12.docx))

 5/31/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 Senate Read second time ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 33](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 6/1/2012 Scrivener's error corrected

 6/5/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 47](file:///h%3A%5Csj%20archive%5C2012%5C06-05-12.docx))

 6/6/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 91](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 91](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/12/2012 Ratified R 311

 6/18/2012 Signed By Governor

 6/25/2012 Effective date See Act for Effective Date

 6/27/2012 Act No. 265

**VERSIONS OF THIS BILL**

[3/1/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120301.docx)

[3/28/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120328.docx)

[3/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120329.docx)

[4/19/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120419.docx)

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[5/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120530.docx)

[5/31/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120531.docx)

[6/1/2012](file:///p%3A%5Cpprever%5C2011-12%5C4945_20120601.docx)

(A265, R311, H4945)

**AN ACT TO AMEND SECTION 7‑5‑170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NECESSITY OF WRITTEN VOTER REGISTRATION APPLICATIONS, SO AS TO PERMIT ELECTRONIC APPLICATIONS; BY ADDING SECTION 7‑5‑185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE STATE ELECTION COMMISSION’S INTERNET WEBSITE, TO PROVIDE A PROCEDURE FOR ELECTRONIC REGISTRATIONS, AND TO AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE ELECTRONIC REGISTRATIONS; BY ADDING SECTION 7‑5‑186 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH AND MAINTAIN A STATEWIDE VOTER REGISTRATION DATABASE, TO REQUIRE CERTAIN STATE AGENCIES TO PROVIDE REQUESTED INFORMATION TO THE STATE ELECTION COMMISSION, AND TO ALLOW THE STATE ELECTION COMMISSION TO ENTER INTO AGREEMENTS WITH OTHER STATES OR GROUPS OF STATES IN ORDER TO MAINTAIN THE STATEWIDE VOTER REGISTRATION DATABASE; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE ESTABLISHMENT AND MAINTENANCE OF A STATEWIDE VOTER REGISTRATION DATABASE; TO AMEND SECTION 7‑3‑30, AS AMENDED, RELATING TO THE NOTICE OF DELETION OF AN ELECTOR’S NAME FROM THE ROSTER OF ELECTORS, SO AS TO CLARIFY THE REASONS FOR DELETION AND TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL RESTORE AN ELECTOR’S NAME TO THE ROSTER IF INSTRUCTED TO DO SO BY THE COUNTY BOARD OF REGISTRATION; TO AMEND SECTION 7‑3‑40, AS AMENDED, RELATING TO REPORTS FURNISHED BY THE BUREAU OF VITAL STATISTICS, SO AS TO PROVIDE THAT THESE REPORTS MUST BE PROVIDED AT NO CHARGE; AND BY ADDING SECTION 7‑3‑70 SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO FURNISH CERTAIN MONTHLY REPORTS TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION AT NO CHARGE.**

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

**Acceptable forms of voter registration applications**

SECTION 1. Section 7‑5‑170(1) of the 1976 Code, as last amended by Act 239 of 2004, is further amended to read:

 “(1) Written application required. ‑‑A person may not be registered to vote except upon written application or electronic application pursuant to Section 7‑5‑185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.”

**Electronic applications for voter registration**

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

 “Section 7‑5‑185. (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 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 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.”

**Statewide voter registration database**

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

 “Section 7‑5‑186. (A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.

 (2)(a) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

 (b) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

 (c) A county board of registration shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

 (3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

**Executive Director of State Election Commission, duties**

SECTION 4. Section 7‑3‑20(C)(11), (12), and (13) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

 “(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;

 (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 U.S.C., Title 42, Section 1973ff, et seq; and

 (13) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

**Notice of deletion of elector**’**s name from roster of electors**

SECTION 5. Section 7‑3‑30 of the 1976 Code, as last amended by Act 466 of 1996, is further amended to read:

 “Section 7‑3‑30. (a) The executive director shall notify by mail each elector at the address last filed in the office, whose name has been deleted for the reasons of conviction or a change in the residence of a qualified voter. The notice shall state the reason for the deletion and inform the elector of his right to appeal to the county board of registration and the time in which to perfect his appeal. A copy of the notice must be forwarded to the appropriate county board of registration.

 (b) Each elector whose name has been deleted has twenty days from the date the notice is mailed to appeal. The appeal must be to the county board of registration from whose master file the deletion has been made. If the board determines that the elector’s name should not have been deleted, it shall instruct the executive director to restore his name to the registration books; however, if the deletion is for conviction, the appeal must be to the Executive Director of the State Election Commission.”

**Reports furnished by Bureau of Vital Statistics**

SECTION 6. Section 7‑3‑40 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

 “Section 7‑3‑40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide this information at no charge.”

**Reports furnished by Department of Motor Vehicles**

SECTION 7. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7‑3‑70. (a) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who have surrendered their driver’s license or identification card and obtained a driver’s license or identification card in another state. All reports must contain the name of the driver or identification cardholder, social security number, date of birth, South Carolina county where previously a resident, and the state in which the license or identification card was surrendered. The department must provide this information at no charge.

 (b) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who were reported as deceased by Social Security Administration. All reports must contain the name, social security number, date of birth, and date of death. The department must provide this information at no charge.”

**Severability**

SECTION 8. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 9. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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