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Indicates New Matter

AMENDED

February 22, 2011

**H. 3349**

Introduced by Reps. Clemmons, Sellers, Allen, G.M. Smith and Weeks

S. Printed 2/22/11--H.

Read the first time January 19, 2011.

**A** **BILL**

TO AMEND SECTION 7‑5‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS FOR REGISTRATION TO VOTE, SO AS TO AUTHORIZE A UNITED STATES CITIZEN OUTSIDE THE UNITED STATES UNDER CERTAIN CONDITIONS TO BE ELIGIBLE TO REGISTER AND VOTE WHERE HIS PARENT IS A QUALIFIED ELECTOR; AND TO AMEND SECTION 7‑15‑110, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO AUTHORIZE A PERSON TO VOTE BY ABSENTEE BALLOT IF HE OR A PARENT LAST RESIDED IN THIS STATE IMMEDIATELY BEFORE HIS OR HIS PARENT’S DEPARTURE FROM THE UNITED STATES.

Amend Title To Conform

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

SECTION 1. Section 7‑5‑120 of the 1976 Code, as last amended by Act 408 of 1996, is further amended to read:

“Section 7‑5‑120. (A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:

(1) ~~meets~~ the age qualification as provided in Section 4, Article II of the Constitution of this State;

(2) is not laboring under disabilities named in the Constitution of 1895 of this State; and

(3) is a resident in the county and in the polling precinct in which the elector offers to vote.

(B) A person is disqualified from being registered or voting if he is:

(1) ~~is~~ mentally incompetent as adjudicated by a court of competent jurisdiction; or

(2) ~~is~~ serving a term of imprisonment resulting from a conviction of a crime; or

(3) ~~is~~ convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.

(C) If a United States citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where the person’s parent is a qualified elector, provided the person is not registered to vote in another state or territory of the United States.”

SECTION 2. Section 7‑15‑110 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑110. The following persons are qualified to register to vote using the Standard Form 76, or ~~any~~ a subsequent form replacing it, provided by the federal government:

(1) members of the Armed Forces of the United States;

(2) members of the Merchant Marine of the United States;

(3) ~~a person~~ persons serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of ~~his~~ a person’s residence in South Carolina;

(4) members or employees of any department of the United States Government serving overseas;

(5) ~~a citizen~~ citizens of the United States residing outside the United States:

(a) if ~~he~~ a citizen or his parent last resided in South Carolina immediately before his or his parent’s departure from the United States;

(b) if ~~he~~ a citizen could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements ~~which~~ that are consistent with the Uniformed And Overseas Absentee Voting Act (Public Law 99‑410).”

SECTION 3. This act may be cited as the “South Carolina Uniformed and Overseas Citizens Absentee Voters Act”.

SECTION 4. Section 7‑15‑400 of the 1976 Code is amended to read:

“Section 7‑15‑400. (A) A qualified ~~absentee~~ elector ~~as provided in subsection (C) of this section~~ of this state who is eligible to vote as provided by the United States Code, Title 42, Section 1973ff, et seq. may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, ~~or~~ its electronic equivalent, or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in an isolated ~~areas~~ area or an extremely remote ~~areas~~ area of the world. This statement may be made on the federal postcard application, or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the County Board of Registration shall issue the special write‑in absentee ballot ~~which~~ that must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for a federal, state, or local office, or state or local ballot measure.

(F) A qualified elector may use the declaration accompanying a federal write‑in absentee ballot simultaneously to register to vote and as an application for an absentee ballot.”

SECTION 5. Section 7‑15‑405(A) of the 1976 Code is amended to read:

“(A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot with an absentee instant runoff ballot for each potential second primary must be ~~mailed~~ sent to the elector at least forty‑five days prior to the primary election.”

SECTION 6. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑406. For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot must be sent to the elector at least forty‑five days prior to an election.”

SECTION 7. Section 7‑15‑460 of the 1976 Code is amended to read:

“Section 7‑15‑460. (A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in, and had remained in, South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action ~~as may be~~ necessary, including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration, ~~and~~ an application for absentee ballots, and electronic transmissions of absentee ballots ~~to or from any elector eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act~~ for all elections for federal, state, and local offices to voters in accordance with their preferred method of transmission.

(B) The State Election Commission shall provide an electronic free-access ballot tracking system for all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act.

~~(B)~~(C) The State Election Commission shall promulgate all regulations necessary for the implementation of this section.”

SECTION 8. Section 7‑15‑220 of the 1976 Code is amended to read:

“Section 7‑15‑220. (A) The oath, a copy of which is required by item (2) of Section 7‑15‑200 to be sent each absentee ballot applicant, and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, ~~shall~~ must be signed by the absentee ballot applicant and witnessed. The oath ~~shall~~ must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot, and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, ~~19~~20\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

SECTION 9. Section 7‑15‑380 of the 1976 Code is amended to read:

“Section 7‑15‑380. (A) The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope~~,~~ furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot, and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, ~~19~~20\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

SECTION 10. 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.

SECTION 11. This act takes effect upon approval by the Governor.

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