~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2013

**H. 3176**

Introduced by Reps. Clemmons and G.R. Smith

S. Printed 3/7/13--H.

Read the first time January 8, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3176) to amend the Code of Laws of South Carolina, 1976, by adding Section 7‑13‑25 so as to establish early voting procedures; by adding Section 7‑13‑200, 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. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provisions 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 for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) An early voting center must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish one early voting center. The county board of registration and elections will determine the location of the early voting center that must be located in a public building within the county seat or another location that is as centrally located for the entire county as possible. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins nine days before an election and ends the day prior to the election, exclusive of Sundays.

(F) The county board of registration and elections shall determine the hours of operation for the early voting center; however, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections, and the center must be open a minimum of five hours between the hours of 9:00 a.m. and 5:00 p.m. each day it is open for voting. The early voting center must close at 5:00 p.m. on the final day of early voting, the Monday immediately preceding election day.

(G) A sign must be posted prominently in the early voting center and shall have printed on it:

‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

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

“Section 7‑13‑200. (A) An entity authorized by law to conduct an election shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates as provided in subsection (B).

(B) The dates on which an election event may be held are:

(1) the third Tuesday in March;

(2) the third Tuesday in June;

(3) the third Tuesday in September; or

(4) the Tuesday after the first Monday in November.

(C) Notwithstanding another provision of law, if an entity is required to conduct an election event, it must be conducted on one of the four dates established in subsection (B) after and nearest to the date established by another provision of law.

(D) A person having been elected and currently serving a term in office that has an election date other than one of those dates listed in subsection (B) must have his term of office extended to allow for an election to occur nearest the date provided by subsection (B).

(E) The provisions of this section do not apply to amendments proposed to the Constitution of this State or the United States Constitution.”

SECTION 3. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended by adding:

“(14) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 4. Section 7‑11‑10 of the 1976 Code is amended to read:

“Section 7‑11‑10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition~~;~~. ~~provided, no~~ A person who was defeated as a candidate for nomination to an office in a party primary or party convention ~~shall~~ may not have his name placed on the ballot for the ensuing general or special election, except that this proviso ~~shall~~ does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for ~~such~~ the office before the election is held.

(B) A candidate may not file more than one statement of intention of candidacy for a single election.”

SECTION 5. Section 7‑13‑320(D) of the 1976 Code is amended to read:

“(D) The names of candidates offering for ~~any other~~ another office ~~shall~~ must be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. A candidate’s name may not appear on the ballot more than once for any single office for the same election.”

SECTION 6. Section 7‑13‑330 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑330. (A) The State Election Committee shall determine the arrangement of general election ballots containing the names of candidates for office. The ballot must ~~conform as nearly as possible to~~ include the following ~~plan,~~ with a column or columns added in case of nomination by petition and a blank column added for write‑in votes, and must contain the specified instructions ~~there~~ that are set forth there and no other:

GENERAL ELECTION OFFICIAL BALLOT

No. \_\_\_\_\_\_ \_\_\_\_\_\_\_\_ COUNTY, SOUTH CAROLINA

November \_\_\_, \_\_\_\_\_

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

Initials of Issuing Officer

OFFICIAL BALLOT

GENERAL ELECTION

\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ County, South Carolina

November \_\_\_, \_\_\_\_\_

Precinct \_\_\_\_\_\_\_\_\_\_

INSTRUCTIONS‑‑To vote a straight party ticket, make a cross (X) in the circle (O) under the name of your party. Nothing further need or should be done. To vote a mixed ticket, or in other words for candidates of different parties or petition candidates, omit making a cross (X) mark in the party circle at the top and make a cross (X) in the voting square [ ] opposite the name of each candidate on the ballot for whom you wish to vote. If you wish to vote for a candidate not on ~~any~~a ticket, write or place the name of ~~such~~that candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so ~~that~~ the initials of the manager may be seen on the outside of the ballot.

(B) The ballot must include:

(1) the name of each candidate, listed only once;

(2) the office for which the candidate is nominated; and

(3) a listing of the party or parties which have nominated the candidate.

(C) Each ballot must offer a voter the opportunity to select individual candidates for whom to cast their vote or the opportunity to select a political party thereby casting a vote for each candidate nominated by the political party.

~~Nomination by~~

~~Name of Party~~ ~~Name of Party~~ ~~Petition~~

~~Names of Office 0 0~~

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~~STATE Governor Governor Governor~~

~~Governor [ ] Name of [ ] Name of [ ] Name of~~

~~Candidate Candidate Candidate~~

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~~Lieutenant Lieut. Governor Lieut. Governor Lieut. Governor~~

~~Governor [ ] Name of [ ] Name of [ ] Name of~~

~~Candidate Candidate Candidate~~

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~~Secretary of Sec. of State Sec. of State Sec. of State~~

~~State [ ] Name of [ ] Name of [ ] Name of~~

~~Candidate Candidate Candidate~~

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~~CONGRES‑ U.S. Senator U.S. Senator U.S. Senator~~

~~SIONAL [ ] Name of [ ] Name of [ ] Name of~~

~~Senator Candidate Candidate Candidate~~

~~‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑~~

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~~[ ] Name of [ ] Name of [ ] Name of~~

~~District Candidate Candidate Candidate~~”

SECTION 7. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑320. ~~(A)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person:~~

~~(1)~~ ~~students, their spouses, and dependents residing with them;~~

~~(2)~~ ~~members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;~~

~~(3)~~ ~~persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;~~

~~(4)~~ ~~governmental employees, their spouses, and dependents residing with them;~~

~~(5)~~ ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~

~~(6)~~ ~~overseas citizens.~~

~~(B)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not he is absent from his county of residence on election day:~~

~~(1)~~ ~~physically disabled persons;~~

~~(2)~~ ~~persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;~~

~~(3)~~ ~~certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;~~

~~(4)~~ ~~persons attending sick or physically disabled persons;~~

~~(5)~~ ~~persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;~~

~~(6)~~ ~~persons with a death or funeral in the family within a three‑day period before the election;~~

~~(7)~~ ~~persons who will be serving as jurors in a state or federal court on election day;~~

~~(8)~~ ~~persons sixty‑five years of age or older; or~~

~~(9)~~ ~~persons confined to a jail or pretrial facility pending disposition of arrest or trial.~~

(A) A qualified elector may vote during the early voting period pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organization (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(4) physically disabled persons who are, pursuant to certification by a physician, unable to vote in person because of their physical disability at either a polling place or early voting center;

(5) overseas citizens;

(6) persons sixty-five years of age or older;

(7) persons confined to a jail or pretrial facility pending disposition of arrest or trial;

(8) certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;

(9) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election; or

(10) persons who will be serving as jurors in a state or federal court on election day.”

SECTION 8. Section 7‑15‑470 of the 1976 Code is repealed.

SECTION 9. This act takes effect upon approval by the Governor, subject to obtaining preclearance from either the United States Department of Justice or the United States Court of Appeals of the District of Columbia, pursuant to the Voting Rights Act of 1965. However, if any portion of the act fails to gain preclearance, the other portions of the act shall not take effect. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; BY ADDING SECTION 7‑13‑200 SO AS TO PROVIDE UNIFORM DATES FOR ELECTION EVENTS; BY ADDING SECTION 7‑13‑1115 SO AS TO REQUIRE A BALLOT TO INDICATE A VOTE CAST FOR A SINGLE CANDIDATE IN ORDER TO BE CERTIFIED AS PART OF THE TOTAL NUMBER OF VOTES CAST; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; TO AMEND SECTION 7‑11‑10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; TO AMEND SECTION 7‑13‑320, AS AMENDED, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE’S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTION 7‑13‑330, AS AMENDED, RELATING TO THE BALLOT FORM AND INSTRUCTIONS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING ON GENERAL ELECTION BALLOTS; TO AMEND SECTION 7‑13‑1340, AS AMENDED, RELATING TO REQUIREMENTS FOR VOTE RECORDERS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD; TO AMEND SECTION 7‑15‑360, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑365, AS AMENDED, RELATING TO BALLOTS AND INSTRUCTIONS FURNISHED BY COUNTY BOARDS OF REGISTRATION, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; TO AMEND SECTION 7‑15‑370, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES AND THE DUTIES OF THE COUNTY REGISTRATION BOARD, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT‑PARTY‑TICKET VOTING; AND TO REPEAL SECTION 7‑15‑470 RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS.

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 provisions 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 for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) An early voting center must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish one early voting center. The county board of registration and elections will determine the location of the early voting center that must be located in a public building within the county seat. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins ten days before an election and ends three days prior to the election, exclusive of Sundays.

(F) The county board of registration and elections shall determine the hours of operation for the early voting center; however, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections, and the center must be open a minimum of five hours between the hours of 9:00 a.m. and 5:00 p.m. each day it is open for voting. The early voting center must close at 5:00 p.m. on the final day of early voting, the Friday immediately preceding election day.

(G) A sign must be posted prominently in the early voting center and shall have printed on it:

‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

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

“Section 7‑13‑200. (A) An entity authorized by law to conduct an election shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates as provided in subsection (B).

(B) The dates on which an election event may be held are:

(1) the third Tuesday in March;

(2) the third Tuesday in June;

(3) the third Tuesday in September; or

(4) the Tuesday after the first Monday in November.

(C) Notwithstanding another provision of law, if an entity is required to conduct an election event, it must be conducted on one of the four dates established in subsection (B) after and nearest to the date established by another provision of law.

(D) A person having been elected and currently serving a term in office that has an election date other than one of those dates listed in subsection (B) must have his term of office extended to allow for an election to occur nearest the date provided by subsection (B).

(E) The provisions of this section do not apply to amendments proposed to the Constitution of this State or the United States Constitution.”

SECTION 3. Article 11, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑1115. (A) In order to be certified as part of the total number of votes cast, a ballot must indicate a vote cast for a single candidate. A vote, with the exception of a vote for electors for President of the United States and Vice President of the United States pursuant to Section 7‑13‑1320, may not be cast for a political party.

(B) A ballot that does not contain an individual vote for a single candidate for a single office, whether indicated on the ballot or as a write in, must be considered improperly marked as to that office only.”

SECTION 4. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended by adding:

“(14) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 5. Section 7‑11‑10 of the 1976 Code is amended to read:

“Section 7‑11‑10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition~~;~~. ~~provided, no~~ A person who was defeated as a candidate for nomination to an office in a party primary or party convention ~~shall~~ may not have his name placed on the ballot for the ensuing general or special election, except that this proviso ~~shall~~ does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for ~~such~~ the office before the election is held.

(B) A candidate may not file more than one statement of intention of candidacy for a single election.

(C) A candidate may not be nominated by more than one political party for a single office for the same election.”

SECTION 6. Section 7‑13‑320(D) of the 1976 Code is amended to read:

“(D) The names of candidates offering for ~~any other~~ another office ~~shall~~ must be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. A candidate’s name may not appear on the ballot more than once for any single office for the same election.”

SECTION 7. Section 7‑13‑330 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑330. The arrangement of general election ballots containing the names of candidates for office must conform as nearly as possible to the following plan, with a column or columns added in case of nomination by petition and a blank column added for write‑in votes, and must contain the specified instructions there set forth and no other:

GENERAL ELECTION OFFICIAL BALLOT

No. \_\_\_\_\_\_ \_\_\_\_\_\_\_\_ COUNTY, SOUTH CAROLINA

November \_\_\_, \_\_\_\_\_

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

Initials of Issuing Officer

OFFICIAL BALLOT

GENERAL ELECTION

\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ County, South Carolina

November \_\_\_, \_\_\_\_\_

Precinct \_\_\_\_\_\_\_\_\_\_

INSTRUCTIONS‑‑~~To vote a straight party ticket, make a cross (X) in the circle (O) under the name of your party. Nothing further need or should be done.~~ To vote, ~~a mixed ticket, or in other words for candidates of different parties or petition candidates, omit making a cross (X) mark in the party circle at the top and~~ make a cross (X) in the voting square [ ] opposite the name of each candidate on the ballot for whom you wish to vote. Only those candidates for whom the voting square is marked shall receive a vote. If you wish to vote for a candidate not on any ticket, write or place the name of ~~such~~that candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside of the ballot.

Nomination by

Name of Party Name of Party Petition

Names of Office 0 0

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STATE Governor Governor Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑

Lieutenant Lieut. Governor Lieut. Governor Lieut. Governor

Governor [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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Secretary of Sec. of State Sec. of State Sec. of State

State [ ] Name of [ ] Name of [ ] Name of

Candidate Candidate Candidate

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CONGRES‑ U.S. Senator U.S. Senator U.S. Senator

SIONAL [ ] Name of [ ] Name of [ ] Name of

Senator Candidate Candidate Candidate

‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑‑

RepresentativeU.S. Repre‑ U.S. Repre‑ U.S. Repre‑

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[ ] Name of [ ] Name of [ ] Name of

District Candidate Candidate Candidate ”

SECTION 8. Section 7‑13‑1340 of the 1976 Code, as last amended by Act 223 of 2006, is further amended to read:

“Section 7‑13‑1340. A vote recorder or optical scan voting device must not be adopted or used unless it:

(a) provides facilities for voting for the candidates as may be nominated and upon the questions as may be submitted;

(b) ~~permits each elector, at other than primaries, to vote a straight party or body ticket, in one operation; and, in one operation, to vote for all the candidates of one party or body for every office to be voted for, except those offices as to which the elector votes for individual candidates;~~

~~(c)~~ permits each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

~~(d)~~(c) permits each elector to vote, at any election, for any person and for any office for whom and for which the elector is lawfully entitled to vote, whether or not the name of the person or persons appears upon a ballot label as a candidate for election, and to vote for as many persons for an office as the elector is entitled to vote for, and to vote for or against any question upon which the elector is entitled to vote;

~~(e)~~(d) precludes, when used in conjunction with a tabulating machine, the counting of votes for any candidate, or upon any question, for whom or upon which an elector is not entitled to vote, and precludes the counting of votes for more persons for any office than the elector is entitled to vote for or for fewer than the elector is required to vote for, and precludes the counting of votes for any candidate for the same office or upon any question more than once;

~~(f)~~(e) permits voting in absolute secrecy, so that a person shall not see or know for whom any other elector has voted or is voting, except an elector whom the person has assisted or is assisting in voting, as prescribed by law;

~~(g)~~(f) is constructed of material of good quality, in a neat and workmanlike manner;

~~(h)~~(g) records, when properly operated, correctly and accurately every vote cast;

~~(i)~~(h) is constructed so that an elector may readily learn the method of operating it;

~~(j)~~(i) is safely transportable; and

~~(k)~~(j) if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7‑13‑1330(C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.”

SECTION 9. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑320. ~~(A)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person:~~

~~(1)~~ ~~students, their spouses, and dependents residing with them;~~

~~(2)~~ ~~members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;~~

~~(3)~~ ~~persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;~~

~~(4)~~ ~~governmental employees, their spouses, and dependents residing with them;~~

~~(5)~~ ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~

~~(6)~~ ~~overseas citizens.~~

~~(B)~~ ~~A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not he is absent from his county of residence on election day:~~

~~(1)~~ ~~physically disabled persons;~~

~~(2)~~ ~~persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;~~

~~(3)~~ ~~certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;~~

~~(4)~~ ~~persons attending sick or physically disabled persons;~~

~~(5)~~ ~~persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;~~

~~(6)~~ ~~persons with a death or funeral in the family within a three‑day period before the election;~~

~~(7)~~ ~~persons who will be serving as jurors in a state or federal court on election day;~~

~~(8)~~ ~~persons sixty‑five years of age or older; or~~

~~(9)~~ ~~persons confined to a jail or pretrial facility pending disposition of arrest or trial.~~

(A) A qualified elector may vote during the early voting period pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organization (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(4) physically disabled persons who are, pursuant to certification by a physician, unable to vote in person because of their physical disability at either a polling place or early voting center;

(5) overseas citizens;

(6) persons seventy‑two years of age or older; or

(7) persons confined to a jail or pretrial facility pending disposition of arrest or trial.”

SECTION 10. Section 7‑15‑360 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑360. The board of registration of each county must be furnished by the commissioners of election of the county or the county committee for each political party holding a primary, a sufficient number of ballots and envelopes not to exceed fifteen percent of the number of registered voters in that county to enable the board of registration to deliver these materials to qualified electors who desire to vote by absentee ballot. If an absentee ballot is not available at the time the voter requests it, the board of registration must provide a blank ballot to allow the voter to write in his~~:~~ ~~(1)~~ selections of candidates~~; (2) selection of party, if he wishes to vote a straight party ticket;~~ and ~~(3)~~ support or opposition of any ballot measure.”

SECTION 11. Section 7‑15‑365 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑15‑365. The board of registration of each county must be furnished by the municipal election commission of each municipality holding an election or the executive committee of a municipal party holding a primary, a sufficient number of ballots, envelopes, and instructions to the absentee voter not to exceed fifteen percent of the number of registered voters in the municipality and sufficient postage to enable the board of registration to deliver materials to qualified electors desiring to vote by absentee ballot. The envelope required by item (4) of Section 7‑15‑370 must bear the return address of the county board of registration. If an absentee ballot is not available at the time the voter requests it, the board of registration must provide a blank ballot to allow the voter to write in his~~:~~ ~~(1)~~ selections of candidates~~;~~ ~~(2) selection of party, if he wishes to vote a straight party ticket;~~ and ~~(3)~~ support or opposition of any ballot measure.”

SECTION 12. The last paragraph of Section 7‑15‑370 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“If absentee ballots are not available at the time the voter requests one, the board of registration must provide a blank ballot to allow the voter to write in his~~: (1)~~ selections of candidates~~; (2) selection of party, if he wishes to vote straight party ticket;~~ and ~~(3)~~ support or opposition of any ballot measure.”

SECTION 13. Section 7‑15‑470 of the 1976 Code is repealed.

SECTION 14. This act takes effect upon approval by the Governor.

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