**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3822**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cobb‑Hunter, Brawley, King, Henegan, Wheeler, Matthews, Clyburn, Howard, Rivers, S. Williams, Tedder, K.O. Johnson, Jefferson, R. Williams, Garvin, McDaniel, Henderson‑Myers and J.L. Johnson

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Companion/Similar bill(s): 310, 3207, 3268, 3519, 4036

Introduced in the House on February 4, 2021

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

Summary: Voting

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/4/2021 House Introduced and read first time ([House Journal‑page 12](file:///h:\hj\20210204.docx))

2/4/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h:\hj\20210204.docx))

3/16/2021 House Member(s) request name added as sponsor: Brawley

4/13/2021 House Member(s) request name added as sponsor: King, Henegan, Wheeler

4/14/2021 House Member(s) request name added as sponsor: Matthews

4/15/2021 House Member(s) request name added as sponsor: Clyburn, Howard

4/20/2021 House Member(s) request name added as sponsor: Rivers, S.Williams, Tedder, K.O.Johnson

4/22/2021 House Member(s) request name added as sponsor: Jefferson, R.Williams, Garvin

4/29/2021 House Member(s) request name added as sponsor: McDaniel, Henderson‑Myers, J.L.Johnson

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**VERSIONS OF THIS BILL**

[2/4/2021](file:///p:\pprever\2021-22\3822_20210204.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑145 SO AS TO PROVIDE THAT AN INDIVIDUAL WHO IS QUALIFIED TO REGISTER TO VOTE MAY REGISTER IN PERSON AND THEN IMMEDIATELY VOTE AT AN IN‑PERSON ABSENTEE VOTING LOCATION IN THE PERSON’S COUNTY OF RESIDENCE DURING THE PERIOD FOR IN‑PERSON ABSENTEE VOTING ESTABLISHED PURSUANT TO THIS ACT, AND TO ESTABLISH PROCEDURES FOR SAME DAY REGISTRATION AND VOTING AT IN‑PERSON ABSENTEE VOTING LOCATIONS; BY ADDING SECTION 7‑13‑200 SO AS TO ESTABLISH PROCEDURES FOR CONDUCTING ELECTIONS BY MAIL OR BY DEPOSIT IN A SECURE LOCATION DESIGNATED FOR DEPOSITING BALLOTS; BY ADDING SECTION 7‑15‑325 SO AS TO PROVIDE THAT ANY QUALIFIED ELECTOR OF THIS STATE MAY VOTE BY ABSENTEE BALLOT WITHOUT BEING REQUIRED TO PROVIDE AN EXCUSE, JUSTIFICATION, OR REASON, AND TO ESTABLISH A THIRTY‑DAY PERIOD DURING WHICH ALL QUALIFIED ELECTORS OF THIS STATE MUST BE ALLOWED TO CAST AN IN‑PERSON ABSENTEE BALLOT; BY ADDING SECTION 7‑15‑425 SO AS TO ESTABLISH A PROCEDURE BY WHICH A VOTER MAY CURE CERTAIN ABSENTEE BALLOT DEFICIENCIES; BY ADDING SECTION 7‑15‑427 SO AS TO PROVIDE THAT AN ABSENTEE BALLOT MUST BE COUNTED IF IT IS POSTMARKED ON OR BEFORE THE DAY OF THE ELECTION AND IS DELIVERED TO THE ADDRESS SPECIFIED BY THE STATE ELECTION COMMISSION OR COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS NOT LATER THAN THE CLOSE OF BUSINESS ON THE LAST BUSINESS DAY IMMEDIATELY PRECEDING THE COUNTY CANVASS; BY ADDING SECTION 24‑3‑185 SO AS TO PROVIDE THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE AN INMATE CERTAIN INFORMATION WITH REGARD TO THE RESTORATION OF HIS VOTING RIGHTS ONCE HE IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT; BY ADDING SECTION 24‑3‑980 SO AS TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES SHALL INFORM A PERSON WHO HAS BEEN CONVICTED OF A FELONY OR AN OFFENSE AGAINST THE ELECTION LAWS AND HAS SERVED THE SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING PROBATION AND PAROLE TIME UNLESS SOONER PARDONED, THAT HE IS ELIGIBLE TO REGISTER TO VOTE; TO AMEND SECTION 7‑13‑710, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A COLLEGE OR UNIVERSITY IDENTIFICATION CARD CONTAINING A PHOTOGRAPH AS ANOTHER FORM OF IDENTIFICATION AUTHORIZED TO BE ACCEPTED; TO AMEND SECTIONS 7‑15‑220, RELATING TO SIGNING AND WITNESSING THE ABSENTEE BALLOT APPLICANT’S OATH, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT’S OATH BE WITNESSED; TO AMEND SECTION 7‑15‑340, RELATING TO THE FORM OF AN ABSENTEE BALLOT APPLICATION, SO AS TO ELIMINATE REFERENCES TO THE REASON FOR THE ABSENTEE BALLOT APPLICATION REQUEST; TO AMEND SECTIONS 7‑15‑380, 7‑15‑385, AND 7‑15‑420, ALL RELATING TO ABSENTEE BALLOTS AND THE ABSENTEE BALLOT APPLICANT’S OATH, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT’S OATH BE WITNESSED; AND TO REPEAL SECTION 7‑15‑320 RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT.

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

SECTION 1. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑145. (A) Notwithstanding another provision of law, pursuant to the provisions of this section, an individual who is qualified to register to vote may register in person and then immediately vote at an in‑person absentee voting location in the person’s county of residence during the period for in‑person absentee voting provided for pursuant to Section 7‑15‑325. For purposes of this section, an in‑person absentee voting location includes the county board of voter registration and elections, if that office is used for in‑person absentee voting.

(B) To register and vote pursuant to this section, the individual shall do both of the following:

(1) complete a voter registration application form as prescribed in this article, including the oath or attestation requirement that the individual meets the qualifications for registration pursuant to Section 7‑5‑120; and

(2) provide proof of residence by presenting any of the following valid documents that show the person’s current name and current residence address: a South Carolina drivers license, another form of identification containing a photograph issued by the South Carolina Department of Motor Vehicles, or any of the documents listed in Section 7‑13‑710.

(C) An individual who registers pursuant to this section shall vote the appropriate absentee ballot as provided in Chapter 15 immediately after registering. If the individual declines to vote immediately, the registration shall be processed, and the individual may later vote at an in‑person absentee voting location pursuant to this section in the same election.

(D) Within two business days of the person’s registration under this section, the county board of voter registration and elections in conjunction with the State Election Commission shall verify the South Carolina drivers license or other qualifying identification, update the statewide registration database, and search for possible duplicate registrations. The individual’s vote must be counted unless the county board of voter registration and elections determines that the applicant is not qualified to vote pursuant to the provisions of state law.

(E) An individual who is already registered to vote in the county may update his information in the registration record pursuant to state law at the in‑person absentee voting location during the in‑person absentee voting period established pursuant to Section 7‑15‑325.

(F) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

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

“Section 7‑13‑200. (A) In addition to the voting methods currently authorized by law and subject to the prohibition against voting more than once at an election as provided in Section 7‑25‑110, voting by mail is permitted as provided in this section.

(B) The Executive Director of the State Election Commission by rule shall establish requirements and criteria for the designation of places of deposit for ballots cast in an election. The rules also shall specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section must be open on the date of the election for a period of eight or more hours, but must be open until at least 7:00 p.m. In each place of deposit designated under this section, the county board of voter registration and elections (county board) shall prominently display a sign stating that the location is an official ballot drop site.

(C)(1) In addition to the voting methods currently provided by law and except as provided in items (2) and (3), the county board shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope no sooner than the twentieth day before the date of an election and no later than the fourteenth day before the date of the election, to each active elector in the county as of the twenty‑first day before the date of the election.

(2) If the county board determines that an active elector of the county as of the twenty‑first day before the date of the election does not receive daily mail service from the United States Postal Service, the county board shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector no sooner than the twentieth day before the date of an election and no later than the eighteenth day before the date of the election.

(3) In the case of ballots to be mailed to addresses outside South Carolina to electors who are not military or overseas electors, the county board may mail the ballots no sooner than the twenty‑ninth day before the date of the election.

(D) For each elector who updates a voter registration after the deadline, the county board shall make the official ballot, the return identification envelope, and the secrecy envelope available either by mail or at the county board’s office. An elector to whom this subsection applies shall request a ballot from the county board.

(E) The ballot must contain the following warning:

‘A person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to prosecution pursuant to the provisions of Chapter 25, Title 7 of the South Carolina Code of Laws.’

(F)(1) Upon receipt of a ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot.

(2) The elector may return the marked ballot to the county board by United States mail or by depositing the ballot at the office of the county board or to a place designated pursuant to the provisions of subsection (B).

(3) The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector shall provide the postage.

(4) Subject to item (5), if a person returns a ballot for an elector, the person shall deposit the ballot in the manner described in item (2) no later than two days after receiving the ballot.

(5) A ballot must be received either at the office of the county board or at a place designated pursuant to the provisions of subsection (B) no later than the end of the period determined pursuant to subsection (B) on the date of the election.

(G) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the elector. Replacement ballots must be issued and processed as described in this section or otherwise provided by law. The county board shall keep a record of each replacement ballot provided under this subsection. Notwithstanding a deadline for mailing ballots in subsection (C), a replacement ballot may be mailed or made available in the office of the county board. A replacement ballot may not be mailed after the fifth day before the date of the election.

(H) A ballot must be counted only if:

(1) it is returned in the return identification envelope;

(2) the envelope is signed by the elector to whom the ballot is issued; and

(3) the signature is verified as provided in subsection (I).

(I) The county board shall verify the signature of each elector on the return identification envelope with the signature on the elector’s registration record, according to the procedure provided by rules adopted by the State Election Commission. If the county board determines that an elector to whom a replacement ballot has been issued has voted more than once, the county board shall count only one ballot cast by that elector.

(J) At 7:00 p.m. on election day, electors who are at the county board’s office or a place designated pursuant to the provisions of subsection (B) and who are in line waiting to deposit a voted ballot must be considered to have begun the act of voting.”

SECTION 3. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑325. (A) Any qualified elector of this State must be permitted to vote by absentee ballot in all elections without being required to assert, state, offer, or provide an excuse, justification, or reason.

(B) For a thirty‑day period, excluding Saturdays and Sundays, and ending at 7:00 p.m. on the day of the election for which absentee voting is permitted, all qualified electors of this State must be allowed to cast an in‑person absentee ballot without being required to assert, state, offer, or provide an excuse, justification, or reason. Each county board of voter registration and elections must establish at least one in‑person absentee voting location and may establish up to six in‑person absentee voting locations.

(C) During the thirty‑day in‑person absentee voting period, excluding Saturdays and Sundays, provided for in this section, all in‑person absentee voting locations must be open each day from 8:30 a.m. until 5:00 p.m. However, all in‑person absentee voting locations must be open from 8:30 a.m. until 7:00 p.m. on the day of the election.”

SECTION 4. Article 7, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑425. (A) If the county board of voter registration and elections determines, at or before the time of canvass, that an absentee ballot return‑addressed envelope is unsigned or that the voter’s signature does not correspond to the registration signature, the board shall, within one day of such determination, send to the absentee voter’s address indicated in the registration records and, if different, the mailing address indicated on the absentee ballot application, a notice explaining the reason for initially rejecting the absentee ballot and the procedure to cure the rejection. The county board also shall contact the voter by either electronic mail or telephone, if such information is available to the board in the voter’s registration information, in order to notify the voter of the deficiency and the opportunity and the process to cure the deficiency.

(B) The voter may cure the deficiency or deficiencies identified by the county board by filing a duly signed affirmation attesting to the same information required by the return‑addressed envelope and attesting that the signer of the oath is the same person who submitted such absentee ballot return‑addressed envelope. The county board shall include an affirmation form with the notice to the voter. The affirmation must be in a form prescribed by the State Election Commission.

(C) Such cure affirmation must be filed with the county board no later than seven business days after the board’s mailing of the curable rejection notice. If the board determines that the affirmation addresses the curable defect, the rejected ballot shall be reinstated and duly canvassed. If the county board cannot agree as to the sufficiency of the cure affirmation, the envelope must be set aside for three days and then canvassed unless the board is directed otherwise by court order.

(D) When the board of elections rejects an absentee ballot return‑addressed envelope and the defect is not curable, the voter must be notified by mail sent within three business days of the rejection. If an absentee ballot return‑addressed envelope is received by the county board prior to the election and is found to be unsealed and thus invalid, the board shall notify the voter of the defect and explain the voter’s other options for voting, and, if time permits, provide the voter with a new absentee ballot.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

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

“Section 7‑15‑427. An absentee ballot must be counted if it is postmarked on or before the day of the election and is delivered to the address specified by the State Election Commission or county board of voter registration and elections, as appropriate, not later than the close of business on the last business day immediately preceding the county canvass.”

SECTION 6. Article 1, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑185. Before his release from custody, the Department of Corrections shall provide an inmate in writing the process to have his voting rights restored. The department also shall provide the inmate:

(1) a voter registration form with written instructions for returning the form by mail; and

(2) written information regarding registering to vote in person and electronically.”

SECTION 7. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑980. The Department of Corrections and the Department of Probation, Parole and Pardon Services shall inform an adult who has been convicted of a felony or an offense against the election laws and has served the sentence imposed for the conviction, including probation and parole time unless sooner pardoned, that he is eligible to register to vote if he meets all conditions contained in Section 7‑5‑120.”

SECTION 8. Section 7‑13‑710(A) of the 1976 Code, is amended to read:

“(A) When a person presents himself to vote, he shall produce a valid and current:

(1) South Carolina driver’s license; ~~or~~

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles; ~~or~~

(3) passport; ~~or~~

(4) military identification containing a photograph issued by the federal government; ~~or~~

(5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7‑5‑675; or

(6) a college or university identification card containing a photograph.”

SECTION 9. 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 Section 7‑15‑200(2) 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 \_\_\_\_\_\_\_\_\_\_\_\_ 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. Section 7‑15‑340 of the 1976 Code is amended to read:

“Section 7‑15‑340. (A) The application required in Section 7‑15‑330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except ~~that persons listed in Section 7‑15‑320(2), (3), (6), and (10) may use~~ for those persons authorized to use the Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

(B) The application must contain the following information: name, registration certificate number, address, absentee address, election of ballot request, election date, runoff preference, party preference, ~~reason for request,~~ oath of voter, and voter’s signature.

(C) The oath must be as follows: ‘I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects~~, and I hereby apply for an absentee ballot for the reason indicated above~~.’ Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7‑25‑20.”

SECTION 11. Section 7‑15‑380 of the 1976 Code is amended to read:

“Section 7‑15‑380. ~~(A)~~ The oath~~, which~~ that 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~~ shall 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 \_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Signature of Witness~~

~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

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

SECTION 12. Section 7‑15‑385 of the 1976 Code is amended to read:

“Section 7‑15‑385. Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’ which in turn must be placed in the return‑addressed envelope. The applicant must then return the return‑addressed envelope to the board of voter registration and elections by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of voter registration and elections at the time the envelope is returned. The voter must sign the form, or 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 authorization must be preserved as part of the record of the election, and the board of voter registration and elections must note the authorization and the name of the authorized returnee in the record book required by Section 7‑15‑330. A candidate or a member of a candidate’s paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter’s immediate family as defined in Section 7‑15‑310. The oath set forth in Section 7‑15‑380 must be signed ~~and witnessed~~ on each returned envelope. The board of voter registration and elections must record in the record book required by Section 7‑15‑330 the date the return‑addressed envelope ~~with witnessed oath~~ and enclosed ballot or ballots is received by the board. The board must securely store the envelopes in a locked box within the office of the board of voter registration and elections.”

SECTION 13. Section 7‑15‑420 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7‑15‑420. The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7‑5‑10, and in the presence of any watchers who have been appointed pursuant to Section 7‑13‑860, may begin the process of examining the return‑addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed ~~and witnessed and includes the address of the witness~~. All return‑ addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed ~~and witnessed~~ nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7‑15‑370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return‑addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed and placed in a locked box or boxes. After all return‑addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return‑addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7‑13‑830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.”

SECTION 14. Section 7‑15‑320 of the 1976 Code is repealed.

SECTION 15. SECTION 13 of this act takes effect January 1, 2022. All other SECTIONS of this act take effect upon approval by the Governor.

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