**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4150**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Huggins, G.R. Smith, Taylor, McGarry, Pope, W. Newton, Herbkersman, Bradley, Erickson, Forrest, Hiott, Hixon, Oremus, Blackwell, Gagnon, McCabe, Morgan, Elliott, Gilliam and Davis

Document Path: l:\council\bills\cc\16022zw21.docx

Companion/Similar bill(s): 3372, 4919

Introduced in the House on April 6, 2021

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

Summary: Elections - In-Person Absentee and Mail-In Absentee Voting

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/6/2021 House Introduced and read first time ([House Journal‑page 113](file:///h:\hj\20210406.docx))

4/6/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 113](file:///h:\hj\20210406.docx))

4/21/2021 House Member(s) request name added as sponsor: Huggins

4/22/2021 House Member(s) request name added as sponsor: G.R.Smith, Taylor

5/4/2021 House Member(s) request name added as sponsor: McGarry, Pope

5/5/2021 House Member(s) request name added as sponsor: W.Newton, Herbkersman, Bradley, Erickson

1/27/2022 House Member(s) request name added as sponsor: Forrest, Hiott, Hixon, Oremus, Blackwell, Gagnon, McCabe, Morgan, Elliott

2/1/2022 House Member(s) request name added as sponsor: Gilliam

2/2/2022 House Member(s) request name added as sponsor: Davis

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**VERSIONS OF THIS BILL**

[4/6/2021](file:///p:\pprever\2021-22\4150_20210406.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑15‑325 SO AS TO ESTABLISH A FOURTEEN-DAY PERIOD PRECEDING THE GENERAL ELECTION DURING WHICH ALL QUALIFIED ELECTORS OF THIS STATE MUST BE ALLOWED TO CAST AN EARLY IN‑PERSON BALLOT, TO REQUIRE THAT EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS ESTABLISH EARLY IN-PERSON VOTING LOCATIONS BASED ON THE NUMBER OF REGISTERED VOTERS RESIDING IN THE COUNTY UP TO A MAXIMUM OF SIX EARLY IN-PERSON VOTING LOCATIONS, AND TO PROVIDE THAT COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS, IN THEIR DISCRETION, MAY ESTABLISH EARLY IN‑PERSON VOTING LOCATIONS FOR USE IN PRIMARY, PRIMARY RUNOFF, AND SPECIAL ELECTIONS; BY ADDING SECTION 7-15-387 SO AS TO PROHIBIT THE USE OF ABSENTEE BALLOT DROP BOXES FOR RECEIVING OR COLLECTING COMPLETED ABSENTEE BALLOTS; TO AMEND SECTION 7‑5‑220, RELATING TO THE REQUIREMENT THAT REGISTRATION MADE THIRTY DAYS OR LESS BEFORE AN ELECTION IS NOT VALID FOR THAT ELECTION, SO AS TO PROVIDE THAT REGARDLESS OF THE METHOD OF REGISTRATION, ANY REGISTRATION MADE THIRTY DAYS OR LESS BEFORE ANY ELECTION IS NOT VALID FOR THAT ELECTION OR ANY SECOND RACE OR RUNOFF RESULTING FROM THAT ELECTION; TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO, AMONG OTHER THINGS, REMOVE CERTAIN CATEGORIES OF ELECTORS WHO ARE QUALIFIED TO VOTE BY ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑420, AS AMENDED, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO ALLOW THE TABULATION OF ABSENTEE BALLOTS TO BEGIN AT 7:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; AND TO REPEAL SECTIONS 7-17-520, 7‑17‑530, 7‑17‑540, AND 7‑17‑550 ALL RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

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

SECTION 1. A. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑325. (A) For a fourteen-day period preceding a general election conducted pursuant to Section 7-13-10, excluding Saturdays and Sundays, except as provided in subsection (B), and ending at 5:00 p.m. on the Saturday immediately prior to the general election, all qualified electors of this State must be allowed to cast an early in‑person ballot. Each county board of voter registration and elections must establish early in‑person voting locations based on the number of registered voters residing in the county as enumerated below, but in no case may a county establish more than six early in‑person voting locations:

(1) 1 - 49,999 voters: one location

(2) 50,000 - 99,999: voters: two locations

(3) 100,000 - 149,999 voters: three locations

(4) 150,000 - 199,999 voters: four locations

(5) 200,000 - 249,999 voters: five locations

(6) 250,000 - 299,999 voters: six locations

(B) During the fourteen-day early in‑person voting period, excluding Saturdays and Sundays, provided for in this section, all early in‑person voting locations must be open each day from 8:30 a.m. until 5:00 p.m. However, all early in‑person voting locations must be open from 8:30 a.m. until 5:00 p.m. on the Saturday immediately preceding the general election. Upon the daily closure of each early in-person voting location during the period established in subsection (A), all ballots must be transported to the county board of voter registration and elections to be stored in a secure location.

(C) County boards of voter registration and elections, in their discretion, may establish early in‑person voting locations for use in primary, primary runoff, and special elections.”

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

“Section 7‑15‑387. Notwithstanding another provision of law, a county board of voter registration and elections may not utilize absentee ballot drop boxes for receiving or collecting completed absentee ballots. Completed absentee ballots must be mailed or delivered personally to the county board of voter registrations and elections. For purposes of this section, ‘absentee ballot drop box’ or ‘drop box’ means a secure receptacle established, provided, and operated by a county board of voter registration and elections, or another entity charged by law with conducting elections, for the purpose of receiving or collecting completed absentee ballots.”

SECTION 2. Section 7‑5‑220 of the 1976 Code is amended to read:

“Section 7‑5‑220. Notwithstanding another provision of law, except as provided for recently discharged members of the United States Armed Forces in Section 7‑5‑150, regardless of the method of registration, any registration made thirty days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.”

SECTION 3. Section 7‑15‑320 of the 1976 Code is amended to read:

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

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

(2) 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; or

~~(3)~~ ~~governmental employees, their spouses, and dependents residing with them;~~

~~(4)~~ ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~

~~(5)~~(3) overseas citizens.

(B) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not they are absent from their 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 board of voter registration and elections;~~

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

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

~~(5)~~(2) 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)~~(3) persons ~~sixty‑five~~ seventy‑five years of age or older;

~~(9)~~(4) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

~~(10)~~(5) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.

(C) Any voter who goes to a polling location to vote in person on election day and who has been designated as having previously voted absentee is entitled to cast a provisional ballot. The voter’s provisional ballot shall be counted only if the county board of voter registration and elections has a record that the voter’s absentee ballot was not received.”

SECTION 4. 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~~ 7:00 a.m. on the calendar day immediately preceding 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~~ 7:00 a.m. on the calendar day immediately preceding 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 5. Sections 7‑17‑520, 7‑17‑530, 7‑17‑540, and 7‑17‑550 are repealed.

SECTION 6. SECTION 4 of this act takes effect January 1, 2022. The remaining SECTIONS of this act take effect upon approval by the Governor.

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