**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4622**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. W. Newton, Erickson, Bradley, Herbkersman, Wooten, Forrest, Oremus, G.R. Smith, Bustos, M.M. Smith, Bennett, Taylor, Gilliam, Blackwell, Hiott, Hixon, Gagnon, McCabe, Morgan, Huggins and Davis

Document Path: l:\council\bills\cc\16093zw22.docx

Companion/Similar bill(s): 893

Introduced in the House on January 11, 2022

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

Summary: Elections: Mail-In Absentee Ballots

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/17/2021 House Prefiled

11/17/2021 House Referred to Committee on **Judiciary**

1/11/2022 House Introduced and read first time ([House Journal‑page 72](file:///h:\hj\20220111.docx))

1/11/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 72](file:///h:\hj\20220111.docx))

1/12/2022 House Member(s) request name added as sponsor: Gilliam

1/26/2022 House Member(s) request name added as sponsor: Blackwell

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

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

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4622&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/17/2021](file:///p:\pprever\2021-22\4622_20211117.docx)

**A** **BILL**

TO AMEND SECTION 7‑15‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SPECIFICATIONS OF THE ABSENTEE BALLOT RETURN‑ADDRESSED ENVELOPE, SO AS TO REQUIRE THE RETURN‑ADDRESSED ENVELOPE TO BE MARKED “RETURN TO SENDER” IN THE EVENT THE ENVELOPE IS UNDELIVERABLE; TO AMEND SECTION 7‑15‑220, RELATING TO SIGNING AND WITNESSING THE ABSENTEE BALLOT APPLICANT’S OATH, SO AS TO DEFINE “PROOF OF IDENTITY”, TO REQUIRE ABSENTEE BALLOT APPLICANTS TO INCLUDE PROOF OF IDENTITY TOGETHER WITH THEIR SIGNED OATHS, TO PROHIBIT A PERSON FROM SERVING AS A WITNESS FOR MORE THAN FIVE ABSENTEE BALLOT APPLICANTS, AND TO PROVIDE THAT IF AN ABSENTEE BALLOT APPLICANT FAILS TO INCLUDE THE REQUIRED PROOF OF IDENTITY, THEN HIS BALLOT MUST BE TREATED AS A PROVISIONAL BALLOT; TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE PROCEDURAL REQUIREMENTS FOR ABSENTEE BALLOT APPLICATIONS, SO AS TO REVISE THE APPLICABLE PROCEDURES; TO AMEND SECTION 7‑15‑340, RELATING TO THE FORM OF AN ABSENTEE BALLOT APPLICATION, SO AS TO, AMONG OTHER THINGS, SPECIFY ADDITIONAL INFORMATION THAT MUST BE INCLUDED ON THE ABSENTEE BALLOT APPLICATION; TO AMEND SECTION 7‑15‑370, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES AND THE DUTIES OF THE COUNTY REGISTRATION BOARD, SO AS TO REQUIRE THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO FURNISH, AMONG OTHER THINGS, PRINTED INSTRUCTIONS RELATING TO ABSENTEE BALLOT APPLICANTS PROVIDING PROOF OF IDENTITY TOGETHER WITH THEIR SIGNED OATHS, AND RETURN‑ADDRESSED ENVELOPES MARKED “RETURN TO SENDER” IN THE EVENT THE ENVELOPE IS UNDELIVERABLE; TO AMEND SECTION 7‑15‑380, RELATING TO THE ABSENTEE BALLOT APPLICANT’S OATH, SO AS TO REQUIRE, AMONG OTHER THINGS, ABSENTEE BALLOT APPLICANTS TO INCLUDE PROOF OF IDENTITY TOGETHER WITH THEIR SIGNED OATHS, TO PROHIBIT A PERSON FROM SERVING AS A WITNESS FOR MORE THAN FIVE ABSENTEE BALLOT APPLICANTS, AND TO PROVIDE THAT IF AN ABSENTEE BALLOT APPLICANT FAILS TO INCLUDE THE REQUIRED PROOF OF IDENTITY, THEN HIS BALLOT MUST BE TREATED AS A PROVISIONAL BALLOT; AND TO AMEND SECTION 7‑15‑385, RELATING TO THE MARKING AND RETURN OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT A CANDIDATE OR A MEMBER OF A CANDIDATE’S PAID CAMPAIGN STAFF INCLUDING CAMPAIGN VOLUNTEERS IS NOT PERMITTED TO SERVE AS AN AUTHORIZED RETURNEE FOR ANY PERSON UNLESS THE PERSON IS A MEMBER OF THE VOTER’S IMMEDIATE FAMILY, TO PROVIDE THAT THE OATH SET FORTH IN SECTION 7‑15‑380 MUST BE SIGNED, INCLUDE PROOF OF IDENTITY, AND WITNESSED ON EACH RETURNED ENVELOPE, AND TO PROVIDE THAT IF AN ABSENTEE BALLOT APPLICANT FAILS TO INCLUDE THE REQUIRED PROOF OF IDENTITY, THEN HIS BALLOT MUST BE TREATED AS A PROVISIONAL BALLOT.

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

SECTION 1. Section 7‑15‑210 of the 1976 Code is amended to read:

“Section 7‑15‑210. The return‑addressed envelope required by item (4) of Section 7‑15‑200 to be sent to each absentee ballot applicant shall have printed on its face in the upper left hand corner the words ‘Absentee ballots for \_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_ (county seat), South Carolina.’ All blanks on the face of the envelope shall be filled in by the board of voter registration and elections prior to the mailing of the ballot to the absentee ballot applicant. On the back shall appear blanks which the voter shall fill in with his name and address. The front of the envelope shall be marked with ‘Return to Sender’ if undeliverable to prevent forwarding and shall be of such thickness as to make it impossible to read any of its contents without opening the envelope. When the ballot is for use in a primary election the return‑addressed envelope referred to herein and in Section 7‑15‑200 shall be changed appropriately to insure its return to the proper county committee.”

SECTION 2. Section 7‑15‑220 of the 1976 Code is amended to read:

“Section 7‑15‑220. (A)(1) For purposes of this chapter, ‘proof of identity’ means an absentee ballot applicant’s South Carolina voter registration notification number, driver’s license number, or state issued identification card number.

(2) 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 be signed by the absentee ballot applicant, who also shall include his proof of identity, and witnessed. The oath shall 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 the information below is true in all respects, 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 or undue influence 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

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

South Carolina Voter Registration Notification Number, Driver’s License Number, or State Issued ID Card Number

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

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

Signature of Witness

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

Address of Witness

(B) A person may not serve as a witness for more than five absentee ballot applicants.

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

(D) If an absentee ballot applicant fails to include his proof of identity as required pursuant to subsection (A), then his ballot must be treated as a provisional ballot.”

SECTION 3. Section 7‑15‑330 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7‑15‑330. To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the board of voter registration and elections as established by the county governing body, for the county of the voter’s residence. A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a member of a candidate’s paid campaign staff, including campaign volunteers ~~reimbursed for time expended on campaign activity~~, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A person may not request absentee applications for more than qualified electors in addition to himself. A request for an application to vote by absentee ballot may not be made ~~anytime during the calendar year in which~~ earlier than seventy‑eight or less than eleven days prior to the date of the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county board of voter registration and elections in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of voter registration and elections. The board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 4. 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 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)(1) The application must contain the following information: voter’s name, registration certificate number or other proof of identity as defined by Section 7‑15‑220(A)(1), address on file in the State Election Commission’s voter registration system, ~~absentee address,~~ election of ballot request, election date, runoff preference, party preference, reason for request, oath of voter, and voter’s signature.

(2) If the ballot is requested to be mailed to an address other than the voter’s address on file in the State Election Commission’s voter registration system, the request must be made in writing. A written request submitted pursuant to this subsection must be signed by the voter and include the voter’s proof of identity.

(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 5. Section 7‑15‑370 of the 1976 Code is amended to read:

“Section 7‑15‑370. Upon receipt of the ballots and envelopes, the county board of voter registration and elections must, as soon as possible, furnish the following items to each person qualified to receive an absentee ballot and who has validly completed a written application for an absentee ballot:

(1) one of each ballot to be used in the election;

(2) printed instructions as to the marking, folding, and return of each ballot and as to the signing (and return) of the oath, including proof of identity, as defined by Section 7‑15‑220(A)(1);

(3) an envelope marked ‘Ballot Herein’ in which all completed ballots are to be placed;

(4) a return‑addressed envelope marked on its front with ‘Return to Sender’ if undeliverable to prevent forwarding and imprinted on the back with the oath set forth in Section 7‑15‑385 and a designated space for the voter to enter his proof of identity to be used for the return of the unmarked envelope (and enclosed ballots) to the board of voter registration and elections;

(5) any additional oath, instructions, or information necessary to enable the absentee ballot applicant to execute and return a ballot legally acceptable by the officials charged with conducting the election.

The board of voter registration and elections must record in the record book required by Section 7‑15‑330 to be kept by the board the date these materials are requested by written application and the date they are issued to the qualified elector. Election materials which are mailed must be sent to the voter’s absentee mailing address.

If absentee ballots are not available at the time the voter requests one, the board of voter registration and elections 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 6. 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, include proof of identity, 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 the information below is true in all respects, 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

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

South Carolina Voter Registration Notification Number, Driver’s License Number, or State Issued ID Card Number

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

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

Signature of Witness

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

Address of Witness

(B) A person may not serve as a witness for more than five absentee ballot applicants.

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

(D) If an absentee ballot applicant fails to include his Voter Registration Certificate Card Number, Driver’s License Number, or State Issued ID Card Number as required pursuant to subsection (A), then his ballot must be treated as a provisional ballot.

(E) The return‑addressed envelope must be designed so that the voter’s proof of identity is hidden from view when the envelope is properly sealed.”

SECTION 7. 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 campaign 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, include proof of identity, and witnessed on each returned envelope. If a voter fails to include his proof of identity, then his ballot must be treated as a provisional ballot. 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 8. This act takes effect upon approval by the Governor.

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