**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4117**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.L. Johnson

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Introduced in the House on March 9, 2023

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

Summary: Absentee voting, right to cure

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/9/2023 House Introduced and read first time (House Journal‑page 14)

 3/9/2023 House Referred to Committee on **Judiciary** (House Journal‑page 14)

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**VERSIONS OF THIS BILL**

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4117_20230309.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS 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 7‑25‑230 SO AS TO ESTABLISH THE OFFENSE OF INTERFERING WITH AN ELECTION OFFICIAL OR WORKER, AND TO PROVIDE A PENALTY FOR VIOLATIONS; AND BY AMENDING SECTION 7‑15‑420, RELATING TO THE PROCESSING OF RETURNED ABSENTEE BALLOTS, SO AS TO ALLOW THE EXAMINATION OF VOTER SIGNATURES ON RETURN‑ADDRESSED ENVELOPES BEGINNING THE TWENTY‑NINTH DAY PRECEDING THE ELECTION.

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

SECTION 1. Article 7, Chapter 15, Title 7 of the S.C. 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 the 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 the 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 the 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) The 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 within two business days 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 2. Chapter 25, Title 7 of the S.C. Code is amended by adding:

 Section 7‑25‑230. A person who, in any manner, interferes with the election officials or election workers holding an election or conducting a canvass so as prevent, obstruct, impair, or hinder the election or canvass from being fairly held and lawfully conducted is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than five years.

SECTION 3. Section 7‑15‑420(B) of the S.C. Code is amended to read:

 (B) Beginning no earlier than 7:00 a.m. on the second day immediately the twenty‑ninth day preceding election day, the managers appointed pursuant to Section 7‑13‑72 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 printed name, signature, and address of the witness, and comparing the voter’s signature to the one in the voter’s registration file pursuant to Section 7‑15‑425. 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, placed in a locked box or boxes, and kept secure.

SECTION 4. This act takes effect upon approval by the Governor.

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