**South Carolina General Assembly**

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**H. 4261**

**STATUS INFORMATION**

General Bill

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

Summary: Clean Voter Roll Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/5/2023 House Introduced and read first time ([House Journal‑page 9](h:\hj\20230405.docx))

4/5/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 9](h:\hj\20230405.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4261&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4261_20230405.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “CLEAN VOTER ROLL ACT”; BY ADDING SECTION 7‑5‑35 SO AS TO ENUMERATE CERTAIN DUTIES DEVOLVED UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS RELATED TO VOTER LIST MAINTENANCE, TO REQUIRE SEPARATE MASTER FILES OF ACTIVE AND INACTIVE REGISTERED ELECTORS, AND TO REQUIRE THAT CERTAIN LISTS OR RECORDS BE FURNISHED UPON REQUEST AND FREE OF CHARGE TO A QUALIFIED ELECTOR; BY AMENDING SECTION 7‑3‑20, RELATING TO THE VARIOUS DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REMOVE CERTAIN DUTIES DEVOLVED UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS RELATING TO LIST MAINTENANCE, AND TO REQUIRE THAT CERTAIN LISTS BE FURNISHED UPON REQUEST AND FREE OF CHARGE TO A QUALIFIED ELECTOR; BY AMENDING SECTION 7‑5‑186, RELATING TO THE STATEWIDE VOTER REGISTRATION DATABASE, SO AS TO MAKE CONFORMING CHANGES, AND TO PROHIBIT THE SHARING OF CONFIDENTIAL INFORMATION OR DATA WITH THIRD‑PARTY NONPROFIT GROUPS OR ENTITIES; BY AMENDING SECTION 7‑5‑320, RELATING TO A MOTOR VEHICLE DRIVER’S LICENSE APPLICATION SERVING AS AN APPLICATION FOR VOTER REGISTRATION, SO AS TO, AMONG OTHER THINGS, CLARIFY THAT CHANGE OF ADDRESS FORMS ACCEPTED AT THE DEPARTMENT OF MOTOR VEHICLES MUST ALSO BE TIMELY TRANSMITTED TO THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS; BY AMENDING SECTION 7‑5‑340, RELATING TO DUTIES OF THE STATE ELECTION COMMISSION REGARDING THE REMOVAL OF ELECTORS FROM THE OFFICIAL LIST OF ELIGIBLE VOTERS, SO AS TO DEVOLVE THESE DUTIES UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS, AND TO REQUIRE ANY ELECTOR INCLUDED ON THE MASTER FILE OF INACTIVE REGISTERED VOTERS TO PRODUCE A CURRENT AND VALID PHOTOGRAPHic IDENTIFICATION TO BE RETURNED TO THE MASTER FILE OF ACTIVE QUALIFIED ELECTORS; AND BY AMENDING SECTION 7‑5‑350, RELATING TO THE STATE ELECTION COMMISSION’S ANNUAL VOTER LIST MAINTENANCE REPORT TO THE GENERAL ASSEMBLY, SO AS TO, AMONG OTHER THINGS, REQUIRE THE STATE ELECTION COMMISSION TO REPORT ON ACTIONS TAKEN BY THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO MAINTAIN THE ACCURACY OF COUNTY MASTER VOTER REGISTRATION FILES.

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

SECTION 1. This act may be cited as the “Clean Voter Roll Act”.

SECTION 2. Article 1, Chapter 5, Title 7 of the S.C. Code is amended by adding:

Section 7‑5‑35. Each county board of voter registration and elections shall:

(1) maintain a complete master file of all active qualified electors by precinct within the county;

(2) maintain a separate master file of all inactive registered electors by precinct within the county;

(3) delete from the county master file of active qualified electors the name of any elector who:

(a) is deceased;

(b) is no longer qualified to vote in the precinct where currently registered;

(c) has been convicted of a disqualifying crime;

(d) is otherwise no longer qualified to vote as may be provided by law; or

(e) requests in writing that his name be removed;

(4) prepare a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies must be used as the official list of voters;

(5) maintain all information furnished to the board or its director relating to the inclusion or deletion of names from the county master files for four years; and

(6) furnish at no charge, and upon request, to a qualified elector:

(a) the county voter registration lists or files;

(b) poll lists or precinct lists;

(c) cast vote records;

(d) ballot review and reconciliation reports;

(e) chain of custody documents;

(f) polling place incident reports;

(g) proof of citizenship verification actions taken by the board; and

(h) signature verification actions taken by the board and any related chain of custody documentation.

SECTION 3. Section 7‑3‑20(D) of the S.C. Code is amended to read:

(D) The executive director shall:

(1) direct and supervise the implementation of the standardized processes established by the commission pursuant to Section 7‑3‑10(F);

(2) supervise the conduct of the county boards of voter registration and elections, as established pursuant to Article 1, Chapter 5, which administers elections and voter registration in the State, and ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(3) conduct reviews, audits, or other postelection analysis of the county boards of voter registration and elections, as established pursuant to Article 1, Chapter 5, to ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies, procedures, or standardized processes with regard to the conduct of elections or the voter registration process by all persons involved in the elections process;

(4) maintain a complete master file files of all active and inactive qualified electors by county and by precincts based solely on registration information received from each county board of voter registration and elections;

(5) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(6) enter names on the master active and inactive file files as they are reported by the county boards of voter registration and elections;

(7) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(8)(6) maintain all information furnished to his office relating to the inclusion or deletion of names from the master active and inactive filefiles based solely on registration information received from each county board of voter registration and elections for four years;

(9)(7) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(10)(8) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes for distribution to the county boards of voter registration and elections;

(11)(9) obtain information from any other source which may assist him in carrying out the purposes of this section;

(12)(10) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(13) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(14)(11) serve as the chief state election official responsible for implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993;

(15)(12) serve as the chief state election official responsible for implementing and enforcing the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq.;

(16)(13) establish and maintain a statewide voter registration database databases of active and inactive registered voters based solely on registration information received from each county board of voter registration and elections that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law;

(17)(14) promulgate regulations for voter registrations performed by private entities;

(18)(15) enter into the master file a separate designation for each voter casting an absentee ballot or an early ballot in an election; and

(19)(16) establish methods of auditing election results, which may include risk‑limiting audits, hand‑count audits, results verification through independent third‑party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. Once completed, audit reports must be published on the commission's website.; and

(17) furnish at no charge, and upon request, to a qualified elector:

(a) a copy of the statewide voter registration list;

(b) a list of all voter registration cards with a photograph of the elector issued pursuant to Section 7‑5‑675; and

(c) ballot review and reconciliation reports.

SECTION 4. Section 7‑5‑186(C) of the S.C. Code is amended to read:

(C) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to assist the county boards of voter registration and elections with the maintenance of county master voter registration files and maintain the statewide voter registration database established pursuant to this section based exclusively on data received from each county. Except as otherwise provided in this subsection, the commission and county boards of voter registration and elections shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission and the county boards of voter registration and elections. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database. Nothing in this section may be construed to allow the commission to share confidential information or data with third‑party nonprofit groups or entities.

SECTION 5. Section 7‑5‑320(E) of the S.C. Code is amended to read:

(E)(1) A completed voter registration portion of an application for a state motor vehicle driver's license, or a completed change of address form, accepted at a state motor vehicle authority must be transmitted to the county board of voter registration and elections no later than ten days after the date of acceptance.

(2) If a registration application or change of address form is accepted within five days before the last day for registration to vote in an election, the application must be transmitted to the county board of voter registration and elections not later than five days after the date of acceptance.

(3) The State Election Commission and county boards of voter registration and elections shall ensure voter registration applications, updates, and change of address forms received from the Department of Motor Vehicles are timely processed. The State Election Commission and county boards of voter registration and elections are responsible for verifying the Department of Motor Vehicles’ compliance with the provisions of this subsection.

SECTION 6. Section 7‑5‑340 of the S.C. Code is amended to read:

Section 7‑5‑340. (A) The State Election Commission Each county board of voter registration and elections shall:

(1) ensure that the name of a qualified elector is removed from the official list of eligible voters within seven days of receipt of information confirming:

(a) the request of the qualified elector to be removed;

(b) the elector is adjudicated mentally incompetent by a court of competent jurisdiction;

(c) the death of the qualified elector;

(d) the elector is not a citizen of the United States; or

(e) a change in the residence to a place outside the county in which the qualified elector is registered when such confirmation is received from the qualified elector in writing;

(2) inform applicants under Sections 7‑5‑155, 7‑5‑310, and 7‑5‑320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

(3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official list of eligible voters in compliance with the provisions of Section 7‑5‑330(F); this item may not be construed to preclude:

(a) the removal of names from the official list of eligible voters on a basis described in item (1); or

(b) correction of registration records pursuant to this article;

(4) ensure any elector included on the master file of inactive registered electors produces a valid and current photographic identification pursuant to Section 7‑13‑710 before returning the elector to the master file of active qualified electors.

SECTION 7. Section 7‑5‑350 of the S.C. Code is amended to read:

Section 7‑5‑350. (A) The State Election Commission shall report to the General Assembly annually regarding the commission's actions taken by the county boards of voter registration and elections to maintain the accuracy of the statewide voter registration databasecounty master voter registration files and voter registration list maintenance, as well as the commission’s efforts to assist county boards with these actions. This report shall include, but is not limited to, the number of:

(1) voters removed from the voter registration list and the reason for the removal;

(2) voters placed on inactive status;

(3) voters placed on archive status;

(4) new voter registrations; and

(5) voter registration updates, including elector address changes.

(B) This annual report must be delivered to the President of the Senate and the Speaker of the House of Representatives by January fifteenth of each year.

(C) The commission shall annually audit the county master voter registration lists and list maintenance actions taken by the county boards of voter registration and elections for accuracy, attending closely to electors who may be deceased or may have moved outside the State or their county of registration. The results of this annual audit must be included in the annual report required by this section.

SECTION 8. This act takes effect upon approval by the Governor and applies to all elections conducted after January 1, 2024.

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