

1 ~~Indicates Matter Stricken~~  
2 Indicates New Matter  
3  
4 COMMITTEE REPORT  
5 February 2, 2011  
6

7 **H. 3003**  
8

9 Introduced by Reps. Clemmons, Harrell, Lucas, Bingham,  
10 Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister,  
11 Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester,  
12 Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins,  
13 Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman,  
14 Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole,  
15 Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy,  
16 Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith,  
17 Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley,  
18 Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady,  
19 Herbkersman, Nanney, Brannon and Whitmire  
20

21 S. Printed 2/2/11--S. [SEC 2/3/11 3:27 PM]  
22 Read the first time January 27, 2011.  
23

24  
25 **THE COMMITTEE ON JUDICIARY**

26 To whom was referred a Bill (H. 3003) to amend the Code of  
27 Laws of South Carolina, 1976, by adding Section 7-3-70 so as to  
28 require the State Election Commission to create a list containing,  
29 etc., respectfully

30 **REPORT:**

31 That they have duly and carefully considered the same and  
32 recommend that the same do pass with amendment:  
33

34 Amend the bill, as and if amended, by striking the bill in its  
35 entirety and inserting therein the following:

36 / A BILL

37  
38 RELATING TO REFORM OF THE SOUTH CAROLINA  
39 ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA  
40 ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710  
41 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO  
42 AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO

[3003-1]

1 VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE  
2 IDENTIFICATION CANNOT BE PRODUCED, AND TO  
3 PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION  
4 TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125,  
5 SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A  
6 DUPLICATE REGISTRATION NOTIFICATION; TO AMEND  
7 SECTION 56-1-3350, SO AS TO REQUIRE THE  
8 DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE  
9 IDENTIFICATION CARDS UPON REQUEST FOR PERSONS  
10 AGED SEVENTEEN YEARS OR OLDER; TO AMEND  
11 SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY  
12 VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A  
13 STATEWIDE PRIMARY OR GENERAL ELECTION AND TO  
14 PROVIDE FOR THE HOURS AND EARLY VOTING  
15 LOCATION; TO AMEND SECTION 7-3-20, SO AS TO  
16 REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE  
17 ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER  
18 FILE A SEPARATE DESIGNATION FOR ABSENTEE AND  
19 EARLY VOTERS IN A GENERAL ELECTION; TO AMEND  
20 SECTION 7-15-320, SO AS TO REFERENCE THE EARLY  
21 VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO  
22 PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY  
23 PAPER OR BY A VOTING MACHINE AND ABSENTEE  
24 BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO  
25 LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD  
26 SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE  
27 ELECTION COMMISSION WILL IMPLEMENT A SYSTEM  
28 TO ISSUE VOTER REGISTRATION CARDS WITH A  
29 PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A  
30 VOTER EDUCATION PROGRAM CONCERNING THE  
31 REQUIREMENTS OF THIS BILL; AND TO AMEND  
32 SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING  
33 TO ELECTION LAWS, SO AS TO MAKE TECHNICAL  
34 CHANGES.

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

37 SECTION 1. Section 7-13-710 of the 1976 Code, as last  
38 amended by Act 459 of 1996, is further amended to read:

39 “Section 7-13-710. (A) When ~~any~~ a person presents himself  
40 to vote, he shall produce ~~his~~ a valid and unaltered:

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

42 (2) other form of identification containing a photograph  
43 issued by the Department of Motor Vehicles; ~~if he is not licensed~~

[3003-2]

1 ~~to drive, or the written notification of registration provided for by~~  
2 ~~Sections 7-5-125 and 7-5-180 if the notification has been signed by~~  
3 ~~the elector~~

4 (3) passport;

5 (4) military identification containing a photograph issued by  
6 the federal government;

7 (5) employee identification card containing a photograph of  
8 the voter, which is issued by the federal government, this State, or  
9 a county or municipality of this State; or

10 (6) South Carolina voter registration card containing a  
11 photograph of the voter pursuant to Section 7-5-675.

12 ~~If the elector loses or defaces his registration notification, he~~  
13 ~~may obtain a duplicate notification from his county board of~~  
14 ~~registration upon request in person, or by telephone or mail.~~

15 For purposes of this section, the forms of identification listed in  
16 this subsection are deemed valid if the identification was properly  
17 issued by the appropriate entity.

18 (B) After presentation of the required identification described  
19 in subsection (A), his the elector's name must be checked by one  
20 of the managers on the margin of the page opposite his name upon  
21 the registration books, or copy of the books, furnished by the board  
22 of registration. One of the managers also shall compare the  
23 photograph contained on the required identification with the  
24 person presenting himself to vote. The manager shall verify that  
25 the photograph is that of the person seeking to vote. The managers  
26 shall keep a poll list which must contain one column headed  
27 'Names of Voters'. Before ~~any~~ a ballot is delivered to a voter, the  
28 voter shall sign his name on the poll list, which must be furnished  
29 to the appropriate election officials by the State Election  
30 Commission. At the top of each page the voter's oath appropriate  
31 to the election must be printed. The signing of the poll list or the  
32 marking of the poll list is considered to be an affirmation of the  
33 oath by the voter. One of the managers shall compare the  
34 signature on the poll list with the signature on the voter's driver's  
35 license, registration notification, or other identification and may  
36 require further identification of the voter and proof of his right to  
37 vote under this title as he considers necessary. If the voter is  
38 unable to write or if the voter is prevented from signing by  
39 physical handicap, he may sign his name to the poll list by mark  
40 with the assistance of one of the managers.

41 (C)(1) If the elector cannot produce the identification as  
42 required in subsection (A), he may cast a provisional ballot that is  
43 counted only if the elector brings a valid and unaltered photo

1 identification to the county board of registration and elections prior  
2 to certification of the election by the county board of canvassers.

3 (2) If the manager disputes that the photograph contained on  
4 the required identification is the person presenting himself to vote,  
5 the elector may cast a provisional ballot. A determination of that  
6 provisional ballot must be made in accordance with Section  
7 7-13-830.

8 (D)(1)(a) If an elector does not produce a valid and unaltered  
9 photograph identification due to a religious objection to being  
10 photographed, he may complete an affidavit under penalty of  
11 perjury at the polling place and affirm that the elector: (i) is the  
12 same individual who personally appeared at the polling place; (ii)  
13 cast the provisional ballot on election day; and (iii) has a religious  
14 objection to being photographed. Upon completion of the  
15 affidavit, the elector may cast a provisional ballot. The affidavit  
16 must be submitted with the provisional ballot envelope and be filed  
17 with the county board of registration and elections prior to  
18 certification of the election by the county board of canvassers.

19 (b) If an elector does not produce a valid and unaltered  
20 photograph identification because the elector suffers from a  
21 reasonable impediment that prevents the elector from obtaining  
22 photograph identification, he may complete an affidavit under the  
23 penalty of perjury at the polling place and affirm that the elector:  
24 (i) is the same individual who personally appeared at the polling  
25 place; (ii) cast the provisional ballot on election day; and (iii) the  
26 elector suffers from a reasonable impediment that prevents him  
27 from obtaining photograph identification. The elector must also  
28 list the impediment, unless otherwise prohibited by state or federal  
29 law. Upon completion of the affidavit, the elector may cast a  
30 provisional ballot. The affidavit must be submitted with the  
31 provisional ballot envelope and be filed with the county board of  
32 registration and elections prior to certification of the election by  
33 the county board of canvassers.

34 (2) If the county board of registration and elections  
35 determines that the voter was challenged solely for the inability to  
36 provide proof of identification and the required affidavit is  
37 submitted, the county board of registration and elections shall find  
38 that the provisional ballot is valid, unless the board has grounds to  
39 believe the affidavit is false.

40 (3) If the county board of registration and elections  
41 determines that the voter has been challenged for a cause other  
42 than the inability to provide proof of identification as required by  
43 subsection (A), the county board of registration and elections shall:

[3003-4]

1       (a) note on the envelope containing the provisional ballot  
2 that the voter complied with the proof of identification  
3 requirement; and

4       (b) proceed to determine the validity of the remaining  
5 challenges before ruling on the validity of the provisional ballot.

6       (E) The purpose of the identification required pursuant to  
7 subsection (A) is to confirm the person presenting himself to vote  
8 is the elector on the poll list. Any address listed on the  
9 identification is not determinative of an elector's domicile for the  
10 purpose of voting. An elector's domicile for the purpose of voting  
11 is determined pursuant to the provisions of Section 7-1-25."

12       SECTION 2. Section 7-5-125 of the 1976 Code is amended to  
13 read:

14       "Section 7-5-125. (A) Any person who applies for registration  
15 to vote and is found to be qualified by the county board of  
16 registration to whom application is made must be issued a written  
17 notification of registration. This notification must be on a form  
18 prescribed and provided by the State Election Commission.

19       (B) If an elector loses or defaces his registration notification, he  
20 may obtain a duplicate notification from his county board of  
21 registration upon request in person, or by telephone or mail."

22       SECTION 3. Section 56-1-3350 of the 1976 Code, as last  
23 amended by Act 277 of 2010, is further amended to read:

24       "Section 56-1-3350. (A) Upon application by any person ten  
25 years of age or older who is a resident of South Carolina, the  
26 Department of Motor Vehicles shall issue a special identification  
27 card, as long as:

28       (1) the application is made on a form approved and  
29 furnished by the department; and

30       (2) the applicant presents to the person issuing the  
31 identification card a birth certificate or other evidence acceptable  
32 to the department of his name and date of birth.

33       (B)(1) The fee for the issuance and renewal of the special  
34 identification card is five dollars for a person between the ages of  
35 ten and sixteen years.

36       (2) An identification card must be free to a person aged  
37 seventeen years or older.

38       ~~(C) and the~~ The identification card expires five years from the  
39 date of issuance. ~~The renewal fee is also five dollars. Issuance~~  
40 ~~and renewal fees are waived for indigent persons who are mentally~~  
41 ~~ill, mentally retarded, homeless, or who are on public assistance as~~  
42 ~~the sole source of income. As used in this section "indigent"~~  
43 ~~means a person who is qualified for legal assistance which is paid~~

[3003-5]

1 for with public funds. For purposes of this section, a homeless  
2 person is an individual who lacks a fixed and regular nighttime  
3 residence or an individual who has a primary nighttime residence  
4 that is:

5 (a) a supervised publicly or privately operated shelter  
6 designed to provide temporary living accommodations, including  
7 congregated shelters and transitional housing;

8 (b) an institution that provides a temporary residence for  
9 individuals intended to be institutionalized; or

10 (c) a public or private place not designed for, or ordinarily  
11 used as, regular sleeping accommodations for human beings.

12 The term does not include any individual imprisoned or  
13 otherwise detained pursuant to an act of Congress. Annually, the  
14 director of a facility which provides care or shelter to homeless  
15 persons must certify this fact to the department. The department  
16 must maintain a list of facilities which are approved by the  
17 department, and only letters from the directors of these approved  
18 facilities are considered to comply with the provisions of this  
19 section. To have the issuance or renewal fee waived for an  
20 identification card, a homeless person must present a letter to the  
21 department from the director of a facility that provides care or  
22 shelter to homeless persons certifying that the person named in the  
23 letter is homeless. The letter may not be older than thirty days.

24 (D) Special identification cards issued to persons under the age  
25 of twenty-one must be marked, stamped, or printed to readily  
26 indicate that the person to whom the card is issued is under the age  
27 of twenty-one.

28 (E) The fees collected pursuant to this section must be credited  
29 to the Department of Transportation State Non-Federal Aid  
30 Highway Fund as provided in the following schedule based on the  
31 actual date of receipt by the Department of Motor Vehicles:

32 Fees and Penalties 33 Collected After	General Fund of the State	Department of Transportation State Non-Federal Aid Highway Fund
34 June 30, 2005	60 percent	40 percent
35 June 30, 2006	20 percent	80 percent
36 June 30, 2007	0 percent	100 percent.”

37 SECTION 4. Article 1, Chapter 13, Title 7 of the 1976 Code is  
38 amended by adding:

39 “Section 7-13-25. (A) Notwithstanding the provision of this  
40 chapter or Chapter 5 of this title, the authority charged by law with  
41 conducting an election shall establish a procedure by which a  
42

1 qualified elector may cast his ballot, without excuse, during an  
2 early voting period for all elections. The qualified elector may cast  
3 a ballot during an early voting period pursuant to this section.

4 (B) Early voting centers must be established and maintained to  
5 ensure that voters may cast only one ballot.

6 (C) A qualified elector may cast his ballot at an early voting  
7 center in the county in which he resides.

8 (D) Each county board of registration and elections must  
9 establish at least one early voting center and may establish up to  
10 three early voting centers. The early voting center must be  
11 supervised by election commission employees.

12 (E) The early voting period begins fifteen days before an  
13 election and ends three days prior to the election.

14 (F) The county board of registration and elections must  
15 determine the hours of operation and location for an early voting  
16 center. However, the early voting center must be open at least one  
17 Saturday within the early voting period for statewide primaries and  
18 general elections.

19 (G) A sign must be posted prominently in an early voting center  
20 and must have printed on it, 'VOTING MORE THAN ONCE IS A  
21 MISDEMEANOR AND, UPON CONVICTION, A PERSON  
22 MUST BE FINED IN THE DISCRETION OF THE COURT OR  
23 IMPRISONED NOT MORE THAN THREE YEARS'."

24 SECTION 5. Section 7-3-20(C) of the 1976 Code, as last  
25 amended by Act 253 of 2006, is further amended to read:

26 "(C) The executive director shall:

27 (1) maintain a complete master file of all qualified electors  
28 by county and by precincts;

29 (2) delete the name of any elector:

30 (a) who is deceased;

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

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

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

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

37 (3) enter names on the master file as they are reported by the  
38 county registration boards;

39 (4) furnish each county registration board with a master list  
40 of all registered voters in the county, together with a copy of all  
41 registered voters in each precinct of the county, at least ten days  
42 prior to each election. The precinct copies shall be used as the  
43 official list of voters;

[3003-7]

1 (5) maintain all information furnished his office relating to  
2 the inclusion or deletion of names from the master file for four  
3 years;

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

7 (7) secure from the United States courts and federal and state  
8 agencies available information as to persons convicted of  
9 disqualifying crimes;

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

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

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

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

19 (12) serve as the chief state election official responsible for  
20 implementing and enforcing the state's responsibilities under the  
21 Uniformed and Overseas Citizens Absentee Voting Act  
22 (UOCAVA), as set forth in the United States Code, Title 42,  
23 Section 1973ff, et seq; ~~and~~

24 (13) enter into the master file a separate designation each for  
25 voters casting absentee ballots and early ballots in a general  
26 election."

27 SECTION 6. Section 7-15-320 of the 1976 Code is amended to  
28 read:

29 "Section 7-15-320(A) Any qualified elector may vote during the  
30 early voting period pursuant to Section 7-13-25.

31 (B) A qualified elector in any of the following categories must  
32 be permitted to vote by absentee ballot in all elections when he is  
33 absent from his county of residence on election day during the  
34 hours the polls are open, to an extent that it prevents him from  
35 voting in person except that physically disabled persons, certified  
36 poll watchers, poll managers, county voter registration board  
37 members and staff, and county election commission members and  
38 staff working on election day, a person admitted to a hospital as an  
39 emergency patient on the day of an election or within a four day  
40 period before an election, and persons whose employment  
41 obligations ~~required~~ require that they be at their place of  
42 employment during the hours that the polls are open and present  
43 written certification of that obligation to the county registration

[3003-8]



1 board, and persons confined to a jail or pre-trial facility pending  
2 disposition of arrest or trial may vote by absentee ballot whether or  
3 not absent from their county of residence:

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

6 (2) members of the Armed Forces and Merchant Marines of  
7 the United States, their spouses, and dependents residing with  
8 them;

9 (3) persons serving with the American Red Cross or with the  
10 United Service Organizations (USO) who are attached to and  
11 serving with the Armed Forces of the United States, their spouses,  
12 and dependents residing with them;

13 (4) persons in employment;

14 (5) physically disabled persons;

15 (6) governmental employees, their spouses, and dependents  
16 residing with them;

17 (7) electors with a death or funeral in the family within a  
18 three day period before the election;

19 (8) persons on vacation (who by virtue of vacation plans will  
20 be absent from their county of residence on election day);

21 (9) certified poll watchers, poll managers, county voter  
22 registration board members and staff, county and state election  
23 commission members and staff working on election day;

24 (10) overseas citizens;

25 (11) persons attending sick or physically disabled persons;

26 (12) persons admitted to hospitals as emergency patients on  
27 the day of an election or within a four day period before the  
28 election;

29 (13) persons who will be serving as jurors in a state or federal  
30 court on election day;

31 (14) persons sixty-five years of age or older;

32 (15) persons confined to a jail or pre-trial facility pending  
33 disposition of arrest or trial-;

34 (C) A person may vote by a paper absentee ballot at any time  
35 during the absentee ballot period. Alternatively, a person may cast  
36 an absentee ballot by a voting machine in the county in which he  
37 resides from thirty days before an election through the day  
38 immediately preceding an election. Each county board of  
39 registration must establish the location of only one absentee ballot  
40 center. Absentee ballot centers must be maintained to ensure that  
41 voters may cast only one ballot. The absentee ballot center must  
42 be supervised by employees of the election commission or voter  
43 registration board.”

[3003-9]

1 SECTION 7. Section 7-15-330 of the 1976 Code of Laws is  
2 amended to read:

3 “Section 7-15-330. (A) To vote by absentee ballot, a qualified  
4 elector or a member of his immediate family as defined by Section  
5 7-15-310(8), must request an application to vote by absentee ballot  
6 in person, by telephone, or by mail from the county registration  
7 board, or at an extension office of the board of registration as  
8 established by the county governing body, for the county of the  
9 voter’s residence. A person who is an authorized representative of  
10 a qualified elector, as defined by Section 7-15-310(7), may  
11 ~~requesting~~ an application for a qualified elector ~~as the qualified~~  
12 ~~elector’s authorized representative must request an application to~~  
13 vote by absentee ballot in person or by mail only ~~and must himself~~  
14 ~~be a registered voter~~ and must sign an oath to the effect that he fits  
15 the statutory definition of a representative. This signed oath must  
16 be kept on file with the board of registration until the end of the  
17 calendar year or until all contests concerning a particular election  
18 have been finally determined, whichever is later.

19 (B) A candidate or a member of a candidate’s paid campaign  
20 staff, including volunteers reimbursed for time expended on  
21 campaign activity, is not allowed to request applications for  
22 absentee voting for any person designated in this section unless the  
23 person is a member of the immediate family.

24 (C) A request for an application to vote by absentee ballot may  
25 be made anytime during the calendar year in which the election in  
26 which the qualified elector desires to be permitted to vote by  
27 absentee ballot is being held. However, completed applications  
28 must be returned to the county registration board in person or by  
29 mail before ~~five P.M.~~ 5:00 p.m. on the fourth day before the day of  
30 the election. Applications must be accepted by the county board of  
31 registration until 5:00 p.m. on the day immediately preceding the  
32 election for those who appear in person and are qualified to vote  
33 absentee pursuant to Section 7-15-320. A member of the  
34 immediate family of a person who is admitted to a hospital as an  
35 emergency patient on the day of an election or within a four day  
36 period before the election may obtain an application from the  
37 registration board on the day of an election, complete it, receive  
38 the ballot, deliver it personally to the patient who shall vote, and  
39 personally carry the ballot back to the board of registration.

40 (D) The board of registration shall serially number each  
41 absentee ballot application form and keep a record ~~book in which~~  
42 ~~must be recorded~~ of the number of the form, the name, home  
43 address, and absentee mailing address of the person for whom the

1 absentee ballot application form is requested; the name, address,  
2 voter registration number, and relationship of the person requesting  
3 the form, if other than the applicant; the date upon which the form  
4 is requested; and the date upon which the form is issued. This  
5 information becomes a public record at ~~nine A.M.~~ 9:00 a.m. on the  
6 day immediately preceding the election, except that forms issued  
7 for emergency hospital patients must be made public by 9:00 a.m.  
8 on the day following an election.

9 (E) A person who violates the provisions of this section is  
10 subject to the penalties provided in Section 7-25-170.”

11 SECTION 8. Section 7-15-385 of the 1976 Code is amended to  
12 read:

13 “Section 7-15-385. (A) Upon receipt of the ballot or ballots, the  
14 absentee ballot applicant must mark each ballot on which he  
15 wishes to vote and place each ballot in the single envelope marked  
16 ‘Ballot Herein’, which in turn must be placed in the  
17 return-addressed envelope. The applicant must then return the  
18 return-addressed envelope to the board of registration by mail, by  
19 personal delivery, or by authorizing another person to return the  
20 envelope for him. The authorization must be given in writing on a  
21 form prescribed by the State Election Commission and must be  
22 turned in to the board of registration at the time the envelope is  
23 returned. The voter must sign the form, or in the event the voter  
24 cannot write because of a physical handicap or illiteracy, the voter  
25 must make his mark and have the mark witnessed by someone  
26 designated by the voter. The authorization must be preserved as  
27 part of the record of the election, and the board of registration must  
28 ~~note~~ record the authorization and the name of the authorized  
29 returnee ~~in the record book~~ as required by Section 7-15-330.

30 (B) A candidate or a member of a candidate’s paid campaign  
31 staff including volunteers reimbursed for time expended on  
32 campaign activity is not permitted to serve as an authorized  
33 returnee for any person unless the person is a member of the  
34 voter’s immediate family as defined in Section 7-15-310.

35 (C) The oath set forth in Section 7-15-380 must be signed and  
36 witnessed on each returned envelope. The board of registration  
37 must ~~record~~, in the record book as required by Section 7-15-330,  
38 the date the return-addressed envelope with witnessed oath and  
39 enclosed ballot or ballots is received by the board.

40 (D) The board must securely store the envelopes in a locked  
41 box within the office of the registration board.”

42 SECTION 9. Section 7-1-25 of the 1976 Code is amended to  
43 read:

[3003-11]

1 “Section 7-1-25. (A) A person’s residence is his domicile.  
2 ‘Domicile’ means a person’s fixed home where he has an intention  
3 of returning when he is absent. A person has only one domicile.

4 (B) For voting purposes, a person has changed his domicile if  
5 he (1) has abandoned his prior home and (2) has established a new  
6 home, has a present intention to make that place his home, and has  
7 no present intention to leave that place.

8 (C) For voting purposes, a spouse may establish a separate  
9 domicile.

10 (D) For voting purposes, factors to consider in determining a  
11 person’s intention regarding his domicile include, but are not  
12 limited to:

13 (1) a voter’s address reported on income tax returns;

14 (2) a voter’s real estate interests, including the address for  
15 which the legal residence tax assessment ratio is claimed pursuant  
16 to Section 12-43-220(C);

17 (3) a voter’s physical mailing address;

18 (4) a voter’s address on driver’s license or other  
19 identification issued by the Department of Motor Vehicles;

20 (5) a voter’s address on legal and financial documents;

21 (6) a voter’s address utilized for educational purposes, such  
22 as public school assignment and determination of tuition at  
23 institutions of higher education;

24 (7) a voter’s address on an automobile registration;

25 (8) a voter’s address utilized for membership in clubs and  
26 organizations;

27 (9) the location of a voter’s personal property;

28 (10) residence of a voter’s parents, spouse, and children; and

29 (11) whether a voter temporarily relocated due to medical  
30 care for the voter or for a member of the voter’s immediate  
31 family.”

32

33 SECTION 10. Section 7-5-230 of the 1976 Code is amended  
34 to read:

35 “Section 7-5-230. (A) The boards of registration to be  
36 appointed under Section 7-5-10 shall be the judges of the legal  
37 qualifications of all applicants for registration. The board is  
38 empowered to require proof of these qualifications as it considers  
39 necessary.

40 Once a person is registered, challenges of the qualifications of  
41 any elector, except for challenges issued at the polls pursuant to  
42 Sections 7-13-810, 7-13-820, and 7-15-420 must be made in  
43 writing to the board of registration in the county of registration.

[3003-12]

1 The board must, within ten days following the challenge and after  
2 first giving notice to the elector and the challenger, hold a hearing,  
3 accept evidence, and rule upon whether the elector meets or fails to  
4 meet the qualifications set forth in Section 7-5-120.

5 (B) When a challenge is made regarding the residence or  
6 domicile of an elector, the board ~~may~~ must consider the provisions  
7 of Section 7-1-25(D) ~~following proof to establish residence~~  
8 ~~including, but not limited to, income tax returns; real estate~~  
9 ~~interests; mailing address; address on driver's license; official~~  
10 ~~papers and documents requiring the statement of residence~~  
11 ~~address; automobile registration; checking and savings accounts;~~  
12 ~~past voting record; membership in clubs and organizations;~~  
13 ~~location of personal property; and the elector's statements as to his~~  
14 ~~intent.~~

15 (C) Any person denied registration or restoration of his name  
16 on the registration books shall have the right of appeal from the  
17 decision of the board of registration denying him registration or  
18 such restoration to the court of common pleas of the county or any  
19 judge thereof and subsequently to the Supreme Court.”

20 SECTION 11. Chapter 5, Title 7 of the 1976 Code is amended  
21 by adding:

22 “Section 7-5-675. The State Elections Commission will  
23 implement a system in order to issue voter registration cards with a  
24 photograph of the elector.”

25 SECTION 12. The State Elections Commission must establish  
26 an aggressive voter education program concerning the provisions  
27 contained in this legislation. The State Elections Commission  
28 must educate the public as follows:

29 (1) Post information concerning changes contained in this  
30 legislation in a conspicuous location at each county board of  
31 registration and elections, each satellite office, the State Elections  
32 Commission office, and their respective websites.

33 (2) Train poll managers and poll workers at their mandatory  
34 training sessions to answer questions by electors concerning the  
35 changes in this legislation.

36 (3) Require documentation describing the changes in this  
37 legislation to be disseminated by poll managers and poll workers at  
38 every election held following preclearance by the United States  
39 Department of Justice or approval by a declaratory judgment  
40 issued by the United States District Court for the District of  
41 Columbia, whichever occurs first.

1 (4) Coordinate with each county board of registration and  
2 elections so that at least two seminars are conducted in each county  
3 prior to December 15, 2011.

4 (5) Coordinate with local and service organizations to provide  
5 for additional informational seminars at a local or statewide level.

6 (6) Place an advertisement describing the changes in this  
7 legislation in South Carolina newspapers of general circulation by  
8 no later than December 15, 2011.

9 (7) Coordinate with local media outlets to disseminate  
10 information concerning the changes in this legislation.

11 (8) Notify each registered elector who does not have a South  
12 Carolina issued driver's license or identification card a notice of  
13 the provisions of this act by no later than December 1, 2011. This  
14 notice must include the requirements to vote absentee, early, or on  
15 election day and a description of voting by provisional ballot. It  
16 must also state the availability of a free South Carolina  
17 identification card pursuant to Section 56-1-3350.

18 In addition to the items above, the State Elections Commission  
19 may implement additional educational programs in its discretion.

20 SECTION 13. The State Election Commission is directed to  
21 create a list containing all registered voters of South Carolina who  
22 are otherwise qualified to vote but do not have a South Carolina  
23 driver's license or other form of identification containing a  
24 photograph issued by the Department of Motor Vehicles as of  
25 December 1, 2011. The list must be made available to any  
26 registered voter upon request. The Department of Motor Vehicles  
27 must provide the list of persons with a South Carolina driver's  
28 license or other form of identification containing a photograph  
29 issued by the Department of Motor Vehicles at no cost to the  
30 commission. The commission may charge a reasonable fee for the  
31 provision of the list in order to recover associated costs of  
32 producing the list.

33 SECTION 14. The General Assembly finds that all the  
34 provisions contained in this act relate to one subject as required by  
35 Article III, Section 17 of the South Carolina Constitution in that  
36 each provision relates directly to or in conjunction with other  
37 sections to the subject of election reform as stated in the title. The  
38 General Assembly further finds that a common purpose or  
39 relationship exists among the sections, representing a potential  
40 plurality but not disunity of topics, notwithstanding that reasonable  
41 minds might differ in identifying more than one topic contained in  
42 this act.

1 SECTION 15. The provisions of this act are not severable. If  
2 any section, subsection, item, subitem, paragraph, sentence, clause,  
3 phrase, or word of this act is for any reason held to be  
4 unconstitutional or invalid, it is to be conclusively presumed that  
5 the General Assembly would not have enacted any section,  
6 subsection, item, subitem, paragraph, sentence, clause, phrase or  
7 word of this act without the other provisions in this act and  
8 therefore this act in its entirety will be deemed invalid.

9 SECTION 16. SECTIONS 14 and 15 are effective upon  
10 approval by the Governor.

11 SECTION 17. SECTIONS 2, 9, 10, 12, and 13 are effective  
12 upon preclearance approval by the United States Department of  
13 Justice or approval by a declaratory judgment issued by the United  
14 States District Court for the District of Columbia, whichever  
15 occurs first.

16 SECTION 18. SECTION 3 is effective on July 1, 2011.

17 SECTION 19. SECTIONS 1, 4, 5, 6, 7, and 8 are effective on  
18 January 2, 2012.

19 SECTION 20. SECTION 11 takes effect upon preclearance  
20 approval by the United States Department of Justice or approval by  
21 a declaratory judgment issued by the United States District Court  
22 for the District of Columbia, whichever occurs first. However, the  
23 implementation of the procedures provided for in this SECTION is  
24 contingent upon the State Election Commission's receipt of funds  
25 necessary to implement these provisions. Until the provisions of  
26 this SECTION are fully funded and executed, implementation of  
27 the provisions of this SECTION shall not prohibit the State  
28 Election Commission from issuing voter registration cards by the  
29 methods allowed prior to the implementation of this SECTION./

30 Renumber sections to conform.

31 Amend title to conform.

32

33 Majority favorable.	Minority unfavorable.
34 GEORGE E. CAMPSSEN III	C. BRADLEY HUTTO
35 For Majority.	For Minority.

36

37

38 **STATEMENT OF ESTIMATED FISCAL IMPACT**

39 **ESTIMATED FISCAL IMPACT ON GENERAL FUND**

40 **EXPENDITURES:**

41 A Cost to the General Fund (See Below)

42 **ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER**

43 **FUND EXPENDITURES:**

[3003-15]

1 Minimal (Some additional costs expected but can be absorbed)

2 **EXPLANATION OF IMPACT:**

3 State Elections Commission

4 Enactment of this bill will result in recurring costs of  
5 approximately \$100,000 for supplies. Non-recurring costs are  
6 estimated at \$535,000. This total includes \$160,000 for voter  
7 education and training, as well as, \$375,000 for 50 camera stations  
8 at \$7,500 each.

9 Department of Motor Vehicles

10 Enactment of this bill will have minimal impact on the other  
11 funds of the agency associated with the required changes to the  
12 Phoenix computer system in temporarily removing the \$5 charge  
13 for the photo ID.

14 **SPECIAL NOTES:**

15 The Board of Economic Advisors is the appropriate entity to  
16 address any revenue impact associated with this or any other bill.  
17 Enactment would have an impact on the Department of  
18 Transportation's Non-Federal Highway Fund.

19

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*Approved By:*

21

Harry Bell

22

Office of State Budget

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**A BILL**

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, BY ADDING SECTION 7-3-70 SO AS TO REQUIRE THE  
13 STATE ELECTION COMMISSION TO CREATE A LIST  
14 CONTAINING ALL REGISTERED VOTERS WHO ARE  
15 QUALIFIED TO VOTE, BUT DO NOT HAVE A SOUTH  
16 CAROLINA DRIVER’S LICENSE OR OTHER FORM OF  
17 IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED  
18 BY THE DEPARTMENT OF MOTOR VEHICLES AS OF  
19 JANUARY 1, 2013, AND TO REQUIRE THE DEPARTMENT  
20 TO FURNISH A LIST OF PERSONS WITH A SOUTH  
21 CAROLINA DRIVER’S LICENSE OR OTHER FORM OF  
22 IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED  
23 BY THE DEPARTMENT AT NO CHARGE TO THE  
24 COMMISSION; BY ADDING SECTION 7-5-675 SO AS TO  
25 REQUIRE THE STATE ELECTION COMMISSION TO  
26 IMPLEMENT A SYSTEM IN ORDER TO ISSUE VOTER  
27 REGISTRATION CARDS WITH A PHOTOGRAPH OF THE  
28 ELECTOR; TO REQUIRE THE STATE ELECTION  
29 COMMISSION TO ESTABLISH AN AGGRESSIVE VOTER  
30 EDUCATION PROGRAM CONCERNING THE PROVISIONS  
31 OF THIS ACT; TO AMEND SECTION 7-1-25, RELATING TO  
32 THE DEFINITION OF “DOMICILE”, SO AS TO PROVIDE  
33 FACTORS TO CONSIDER IN DETERMINING A PERSON’S  
34 INTENTION REGARDING HIS DOMICILE; TO AMEND  
35 SECTION 7-3-20, AS AMENDED, RELATING TO THE  
36 RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR OF  
37 THE STATE ELECTION COMMISSION, SO AS TO REQUIRE  
38 THE EXECUTIVE DIRECTOR TO MAINTAIN IN A MASTER  
39 FILE A SEPARATE DESIGNATION FOR ABSENTEE AND  
40 EARLY VOTING IN A GENERAL ELECTION; TO AMEND  
41 SECTION 7-5-125, RELATING TO THE ISSUANCE OF A  
42 WRITTEN NOTIFICATION OF REGISTRATION TO VOTE,

1 SO AS TO PROVIDE FOR THE ISSUANCE OF A DUPLICATE  
2 NOTIFICATION IF THE ELECTOR TO WHOM IT WAS  
3 ORIGINALLY ISSUED LOSES OR DEFACES IT; TO AMEND  
4 SECTION 7-5-230, AS AMENDED, RELATING TO THE  
5 BOARDS OF REGISTRATION BEING THE JUDGES OF THE  
6 LEGAL QUALIFICATIONS OF ALL APPLICANTS FOR  
7 REGISTRATION, SO AS TO ADD A REFERENCE TO  
8 SECTION 7-1-25 AND DELETE CERTAIN CRITERIA USED  
9 WHEN CONSIDERING A CHALLENGE REGARDING THE  
10 RESIDENCE OF AN ELECTOR; TO AMEND SECTION  
11 7-13-710, AS AMENDED, RELATING TO THE  
12 PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO  
13 VOTE, SO AS TO REQUIRE PHOTOGRAPH  
14 IDENTIFICATION TO VOTE, PROVIDING FOR  
15 PROVISIONAL BALLOTS IF THE IDENTIFICATION  
16 CANNOT BE PRODUCED AND PROVIDE FOR CERTAIN  
17 EXCEPTIONS, TO REQUIRE A POLL MANAGER TO  
18 COMPARE THE PHOTOGRAPH ON THE REQUIRED  
19 IDENTIFICATION WITH THE PERSON PRESENTING  
20 HIMSELF TO VOTE AND VERIFY THAT THE  
21 PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO  
22 VOTE; TO AMEND SECTION 7-15-330, AS AMENDED,  
23 RELATING TO THE TIME OF APPLICATION FOR AN  
24 ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO  
25 AN AUTHORIZED REPRESENTATIVE REQUESTING AN  
26 APPLICATION FOR A QUALIFIED ELECTOR; TO AMEND  
27 SECTION 7-15-385, AS AMENDED, RELATING TO THE  
28 MARKING AND RETURNING OF THE ABSENTEE BALLOT,  
29 SO AS TO REQUIRE THE BOARD OF REGISTRATION TO  
30 RECORD, INSTEAD OF NOTE, CERTAIN PROCEDURES  
31 REGARDING THE RETURN OF THE ABSENTEE BALLOT;  
32 TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING  
33 TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS  
34 BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO  
35 REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO  
36 PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST  
37 UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL  
38 SECTION 7-15-470 RELATING TO THE PROHIBITION OF  
39 VOTING ON A VOTING MACHINE FOR IN-PERSON  
40 ABSENTEE VOTING.

41

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

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

“Section 7-3-70. (A) The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of January 1, 2013.

(B) The list must be made available to a registered voter upon request. The Department of Motor Vehicles shall provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission.

(C) The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.”

SECTION 2. Article 7, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7-5-675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only.”

SECTION 3. Section 7-1-25 of the 1976 Code, as added by Act 103 of 1999, is amended to read:

“Section 7-1-25. (A) A person’s residence is his domicile. ‘Domicile’ means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes, factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

- (1) a voter’s address reported on income tax returns;

1       (2) a voter’s real estate interests, including the address for  
2 which the legal residence tax assessment ratio is claimed pursuant  
3 to Section 12-43-220(c);

4       (3) a voter’s physical mailing address;

5       (4) a voter’s address on driver’s license or other  
6 identification issued by the Department of Motor Vehicles;

7       (5) a voter’s address on legal and financial documents;

8       (6) a voter’s address utilized for educational purposes, such  
9 as public school assignment and determination of tuition at  
10 institutions of higher education;

11       (7) a voter’s address on an automobile registration;

12       (8) a voter’s address utilized for membership in clubs and  
13 organizations;

14       (9) the location of a voter’s personal property;

15       (10) residence of a voter’s parents, spouse, and children; and

16       (11) whether a voter temporarily relocated due to medical  
17 care for the voter or for a member of the voter’s immediate  
18 family.”

19  
20 SECTION 4. Section 7-3-20(C) of the 1976 Code, as last  
21 amended by Act 253 of 2006, is further amended to read:

22  
23       “(C) The executive director shall:

24       (1) maintain a complete master file of all qualified electors  
25 by county and by precincts;

26       (2) delete the name of any elector:

27           (a) who is deceased;

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

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

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

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

34       (3) enter names on the master file as they are reported by the  
35 county registration boards;

36       (4) furnish each county registration board with a master list  
37 of all registered voters in the county, together with a copy of all  
38 registered voters in each precinct of the county, at least ten days  
39 prior to each election. The precinct copies shall be used as the  
40 official list of voters;

41       (5) maintain all information furnished his office relating to  
42 the inclusion or deletion of names from the master file for four  
43 years;

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

4 (7) secure from the United States courts and federal and state  
5 agencies available information as to persons convicted of  
6 disqualifying crimes;

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

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

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

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

16 (12) serve as the chief state election official responsible for  
17 implementing and enforcing the state's responsibilities under the  
18 Uniformed and Overseas Citizens Absentee Voting Act  
19 (UOCAVA), as set forth in the United States Code, Title 42,  
20 Section 1973ff, et seq; and

21 (13) enter into the master file a separate designation each for  
22 voters casting absentee ballots in a general election."

23  
24 SECTION 5. Section 7-5-125 of the 1976 Code, as added by Act  
25 507 of 1988, is amended to read:

26  
27 "Section 7-5-125. (A) Any A person who applies for  
28 registration to vote and is found to be qualified by the county  
29 board of registration to whom application is made must be issued a  
30 written notification of registration. This notification must be on a  
31 form prescribed and provided by the State Election Commission.

32 (B) If an elector loses or defaces his registration notification, he  
33 may obtain a duplicate notification from his county board of  
34 registration upon request in person, or by telephone or mail."

35  
36 SECTION 6. Section 7-5-230 of the 1976 Code, as last amended  
37 by Act 103 of 1999, is further amended to read:

38  
39 "Section 7-5-230. (A) The boards of registration to be  
40 appointed under Section 7-5-10 ~~shall~~ must be the judges of the  
41 legal qualifications of all applicants for registration. The board is  
42 empowered to require proof of these qualifications as it considers  
43 necessary.

1 (B) Once a person is registered, challenges of the qualifications  
2 of ~~any~~ an elector, except for challenges issued at the polls pursuant  
3 to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in  
4 writing to the board of registration in the county of registration.  
5 The board ~~must~~, within ten days following the challenge and after  
6 first giving notice to the elector and the challenger, shall hold a  
7 hearing, accept evidence, and rule upon whether the elector meets  
8 or fails to meet the qualifications ~~set forth~~ provided for in Section  
9 7-5-120.

10 (C) ~~When~~ If a challenge is made regarding the residence or  
11 domicile of an elector, the board ~~may~~ shall consider the provisions  
12 of Section 7-1-25(D) ~~following proof to establish residence~~  
13 ~~including, but not limited to, income tax returns; real estate~~  
14 ~~interests; mailing address; address on driver's license; official~~  
15 ~~papers and documents requiring the statement of residence~~  
16 ~~address; automobile registration; checking and savings accounts;~~  
17 ~~past voting record; membership in clubs and organizations;~~  
18 ~~location of personal property; and the elector's statements as to his~~  
19 ~~intent.~~

20 (D) ~~Any~~ A person denied registration or restoration of his name  
21 on the registration books shall have the right of appeal from the  
22 decision of the board of registration denying him registration or  
23 such restoration to the court of common pleas of the county or any  
24 judge ~~thereof~~ of these and subsequently to the Supreme Court.”

25  
26 SECTION 7. Section 7-13-710 of the 1976 Code, as last amended  
27 by Act 459 of 1996, is further amended to read:

28  
29 “Section 7-13-710.(A) When ~~any~~ a person presents himself to  
30 vote, he shall produce his a valid and current:

31 (1) South Carolina driver's license; or  
32 (2) other form of identification containing a photograph  
33 issued by the Department of Motor Vehicles, ~~if he is not licensed~~  
34 ~~to drive, or the written notification of registration provided for by~~  
35 ~~Sections 7-5-125 and 7-5-180 if the notification has been signed by~~  
36 ~~the elector;~~ or

37 (3) passport; or  
38 (4) military identification containing a photograph issued by  
39 the federal government; or

40 (5) South Carolina voter registration card containing a  
41 photograph of the voter pursuant to Section 7-5-675. /

1 ~~If the elector loses or defaces his registration notification, he~~  
2 ~~may obtain a duplicate notification from his county board of~~  
3 ~~registration upon request in person, or by telephone or mail.~~

4 (B) After presentation of the required identification described  
5 in subsection (A), his the elector's name must be checked by one  
6 of the managers on the margin of the page opposite his name upon  
7 the registration books, or copy of the books, furnished by the board  
8 of registration. One of the managers also shall compare the  
9 photograph contained on the required identification with the  
10 person presenting himself to vote. The manager shall verify that  
11 the photograph is that of the person seeking to vote. The managers  
12 shall keep a poll list which must contain one column headed  
13 'Names of Voters'. Before any a ballot is delivered to a voter, the  
14 voter shall sign his name on the poll list, which must be furnished  
15 to the appropriate election officials by the State Election  
16 Commission. At the top of each page the voter's oath appropriate  
17 to the election must be printed. The signing of the poll list or the  
18 marking of the poll list is considered to be an affirmation of the  
19 oath by the voter. One of the managers shall compare the  
20 signature on the poll list with the signature on the voter's driver's  
21 license, registration notification, or other identification and may  
22 require further identification of the voter and proof of his right to  
23 vote under this title as he considers necessary. If the voter is  
24 unable to write or if the voter is prevented from signing by  
25 physical handicap, he may sign his name to the poll list by mark  
26 with the assistance of one of the managers.

27 (C)(1) If the elector cannot produce the identification as  
28 required in subsection (A), he may cast a provisional ballot that is  
29 counted only if the elector brings a valid and current photo  
30 identification to the county board of registration and elections  
31 before certification of the election by the county board of  
32 canvassers.

33 (2) If the manager disputes that the photograph contained on  
34 the required identification is the person presenting himself to vote,  
35 the elector may cast a provisional ballot. A determination of that  
36 provisional ballot must be made in accordance with Section  
37 7-13-830.

38 (D)(1)(a) If an elector does not produce a valid and current  
39 photograph identification due to a religious objection to being  
40 photographed, he may complete an affidavit under penalty of  
41 perjury at the polling place and affirm that the elector: (i) is the  
42 same individual who personally appeared at the polling place; (ii)  
43 cast the provisional ballot on election day; and (iii) has a religious

1 objection to being photographed. Upon completion of the  
2 affidavit, the elector may cast a provisional ballot. The affidavit  
3 must be submitted with the provisional ballot envelope and be filed  
4 with the county board of registration and elections before  
5 certification of the election by the county board of canvassers.

6 (b) If an elector does not produce a valid and current  
7 photograph identification because the elector suffers from a  
8 reasonable impediment that prevents the elector from obtaining  
9 photograph identification, he may complete an affidavit under the  
10 penalty of perjury at the polling place and affirm that the elector:  
11 (i) is the same individual who personally appeared at the polling  
12 place; (ii) cast the provisional ballot on election day; and (iii) the  
13 elector suffers from a reasonable impediment that prevents him  
14 from obtaining photograph identification. The elector also shall  
15 list the impediment, unless otherwise prohibited by state or federal  
16 law. Upon completion of the affidavit, the elector may cast a  
17 provisional ballot. The affidavit must be submitted with the  
18 provisional ballot envelope and be filed with the county board of  
19 registration and elections before certification of the election by the  
20 county board of canvassers.

21 (2) If the county board of registration and elections  
22 determines that the voter was challenged only for the inability to  
23 provide proof of identification and the required affidavit is  
24 submitted, the county board of registration and elections shall find  
25 that the provisional ballot is valid unless the board has grounds to  
26 believe the affidavit is false.

27 (3) If the county board of registration and elections  
28 determines that the voter has been challenged for a cause other  
29 than the inability to provide proof of identification as required by  
30 subsection (A), the county board of registration and elections shall:

31 (a) note on the envelope containing the provisional ballot  
32 that the voter complied with the proof of identification  
33 requirement; and

34 (b) proceed to determine the validity of the remaining  
35 challenges before ruling on the validity of the provisional ballot.”

36

37 SECTION 8. Section 7-15-330 of the 1976 Code, as last amended  
38 by Act 193 of 1989, is further amended to read:

39

40 “Section 7-15-330. (A) To vote by absentee ballot, a  
41 qualified elector ~~or a member of his immediate family must shall~~  
42 request an application to vote by absentee ballot in person, ~~by~~  
43 ~~telephone~~, or by mail from the county registration board, ~~or at an~~



1 extension office of the board of registration as established by the  
2 county governing body, for the county of the voter's residence. A  
3 person requesting an application for a qualified elector as the  
4 qualified elector's authorized representative must request an  
5 application to vote by absentee ballot in person or by mail only and  
6 must himself be a registered voter and must sign an oath to the  
7 effect that he fits the statutory definition of a representative. This  
8 signed oath must be kept on file with the board of registration until  
9 the end of the calendar year or until all contests concerning a  
10 particular election have been finally determined, whichever is  
11 later. A candidate or a member of a candidate's paid campaign  
12 staff, including volunteers reimbursed for time expended on  
13 campaign activity, is not allowed to request applications for  
14 absentee voting for any person designated in this section unless the  
15 person is a member of the immediate family.

16 (B) A request for an application to vote by absentee ballot may  
17 be made anytime during the calendar year in which the election in  
18 which the qualified elector desires to be permitted to vote by  
19 absentee ballot is being held. However, completed applications  
20 must be returned to the county registration board in person or by  
21 mail before 5:00 p.m. on the fourth day before the day of the  
22 election. Applications must be accepted by the county board of  
23 registration until 5:00 p.m. on the day immediately preceding the  
24 election for those who appear in person and are qualified to vote  
25 absentee pursuant to Section 7-15-320. A member of the  
26 immediate family of a person who is admitted to a hospital as an  
27 emergency patient on the day of an election or within a four-day  
28 period before the election may obtain an application from the  
29 registration board on the day of an election, complete it, receive  
30 the ballot, deliver it personally to the patient who shall vote, and  
31 personally carry the ballot back to the board of registration.

32 (C) The board of registration shall serially number each  
33 absentee ballot application form and keep a record book in which  
34 must be recorded the number of the form, the name, home address,  
35 and absentee mailing address of the person for whom the absentee  
36 ballot application form is requested; the name, address, voter  
37 registration number, and relationship of the person requesting the  
38 form, if other than the applicant; the date upon which the form is  
39 requested; and the date upon which the form is issued. This  
40 information becomes a public record at 9:00 a.m. on the day  
41 immediately preceding the election, except that forms issued for  
42 emergency hospital patients must be made public by 9:00 a.m. on  
43 the day following an election.

1 (D) A person who violates the provisions of this section is  
2 subject to the penalties provided in Section 7-25-170.”

3  
4 SECTION 9. Section 7-15-385 of the 1976 Code, as last amended  
5 by Act 416 of 1996, is further amended to read:

6  
7 “Section 7-15-385.(A) Upon receipt of the ballot or ballots, the  
8 absentee ballot applicant ~~must~~ shall mark each ballot on which he  
9 wishes to vote and place each ballot in the single envelope marked  
10 ‘Ballot Herein’, which in turn must be placed in the  
11 return-addressed envelope. The applicant ~~must~~ shall then return  
12 the return-addressed envelope to the board of registration by mail,  
13 by personal delivery, or by authorizing another person to return the  
14 envelope for him. The authorization must be given in writing on a  
15 form prescribed by the State Election Commission and must be  
16 turned in to the board of registration at the time the envelope is  
17 returned. The voter ~~must~~ shall sign the form, or ~~in the event if~~ the  
18 voter cannot write because of a physical handicap or illiteracy, the  
19 voter ~~must~~ shall make his mark and have the mark witnessed by  
20 someone designated by the voter. The authorization must be  
21 preserved as part of the record of the election, and the board of  
22 registration ~~must note~~ shall record the authorization and the name  
23 of the authorized returnee ~~in the record book~~ as required by  
24 Section 7-15-330.

25 (B) A candidate or a member of a candidate’s paid campaign  
26 staff, including volunteers reimbursed for time expended on  
27 campaign activity, is not permitted to serve as an authorized  
28 returnee for ~~any~~ a person unless the person is a member of the  
29 voter’s immediate family as defined in Section 7-15-310.

30 (C) The oath ~~set forth~~ provided for in Section 7-15-380 must be  
31 signed and witnessed on each returned envelope. The board of  
32 registration ~~must~~ shall record, ~~in the record book~~ as required by  
33 Section 7-15-330, the date the return-addressed envelope with  
34 witnessed oath and enclosed ballot or ballots is received by the  
35 board.

36 (D) The board ~~must securely~~ shall store securely the envelopes  
37 in a locked box within the office of the registration board.”

38  
39 SECTION 10. Section 56-1-3350 of the 1976 Code, as last  
40 amended by Act 277 of 2010, is further amended to read:

41

1 “Section 56-1-3350. (A) Upon application by a person ~~ten~~ five  
2 years of age or older who is a resident of South Carolina, the  
3 department shall issue a special identification card as long as:

4 (1) the application is made on a form approved and  
5 furnished by the department; and

6 (2) the applicant presents to the person issuing the  
7 identification card a birth certificate or other evidence acceptable  
8 to the department of his name and date of birth.

9 (B)(1) The fee for the issuance of the special identification card  
10 is five dollars, and for a person between the ages of five and  
11 sixteen years.

12 (2) An identification card must be free to a person aged  
13 seventeen years or older.

14 (C) The identification card expires five years from the date of  
15 issuance. The renewal fee is also five dollars. Issuance and  
16 renewal fees are waived for indigent persons who are mentally ill,  
17 mentally retarded, homeless, or who are on public assistance as the  
18 sole source of income. As used in this section ‘indigent’ means a  
19 person who is qualified for legal assistance which is paid for with  
20 public funds. For purposes of this section, a homeless person is an  
21 individual who lacks a fixed and regular nighttime residence or an  
22 individual who has a primary nighttime residence that is:

23 (a) a supervised publicly or privately operated shelter  
24 designed to provide temporary living accommodations, including  
25 congregated shelters and transitional housing;

26 (b) an institution that provides a temporary residence for  
27 individuals intended to be institutionalized; or

28 (c) a public or private place not designed for, or ordinarily  
29 used as, regular sleeping accommodations for human beings.

30 The term does not include any individual imprisoned or  
31 otherwise detained pursuant to an act of Congress. Annually, the  
32 director of a facility which provides care or shelter to homeless  
33 persons must certify this fact to the department. The department  
34 must maintain a list of facilities which are approved by the  
35 department, and only letters from the directors of these approved  
36 facilities are considered to comply with the provisions of this  
37 section. To have the issuance or renewal fee waived for an  
38 identification card, a homeless person must present a letter to the  
39 department from the director of a facility that provides care or  
40 shelter to homeless persons certifying that the person named in the  
41 letter is homeless. The letter may not be older than thirty days.

42 (D) Special identification cards issued to persons under the age  
43 of twenty-one must be marked, stamped, or printed to readily

1 indicate that the person to whom the card is issued is under the age  
2 of twenty-one.

3 (E) The fees collected pursuant to this section must be credited  
4 to the Department of Transportation State Non-Federal Aid  
5 Highway Fund as provided in the following schedule based on the  
6 actual date of receipt by the Department of Motor Vehicles:

7 Fees and Penalties 8 Collected After	9 General Fund 10 of the State	11 Department of 12 Transportation 13 State Non-Federal 14 Aid Highway Fund
15 June 30, 2005	16 60 percent	17 40 percent
18 June 30, 2006	19 20 percent	20 80 percent
21 June 30, 2007	22 0 percent	23 100 percent.

24 Upon full implementation of Section 7-5-675 by the State  
25 Election Commission, the department may resume charging a five  
26 dollar fee for all special identification cards. The State Election  
27 Commission shall certify to the department that Section 7-5-675  
28 has been implemented statewide prior to the department reinstating  
29 fees for the issuance of special identification cards to persons  
30 seventeen years of age or older.”

31 SECTION 11. Section 7-15-470 of the 1976 Code is repealed.

32 SECTION 12. The State Elections Commission shall establish  
33 an aggressive voter education program concerning the provisions  
34 contained in this legislation. The State Elections Commission  
35 shall educate the public as follows:

36 (1) Post information concerning changes contained in this  
37 legislation in a conspicuous location at each county board of  
38 registration and elections, each satellite office, the State Elections  
39 Commission office, and their respective websites.

40 (2) Train poll managers and poll workers at their mandatory  
41 training sessions to answer questions by electors concerning the  
42 changes in this legislation.

43 (3) Require documentation describing the changes in this  
44 legislation to be disseminated by poll managers and poll workers at  
45 each election held after September 30, 2011.

46 (4) Coordinate with each county board of registration and  
47 elections so that at least two seminars are conducted in each county  
48 before October 15, 2012.

49 (5) Coordinate with local and service organizations to provide  
50 for additional informational seminars at a local or statewide level.

1 (6) Place an advertisement describing the changes in this  
2 legislation in South Carolina newspapers of general circulation at  
3 the same time as advertisements for primary or general elections  
4 are placed.

5 (7) Coordinate with local media outlets to disseminate  
6 information concerning the changes in this legislation.

7 (8) Notify each registered elector who does not have a South  
8 Carolina issued driver's license or identification card a notice of  
9 the provisions of this act by no later than October 15, 2012. This  
10 notice must include the requirements to vote absentee, early, or on  
11 election day and a description of voting by provisional ballot. It  
12 also must state the availability of a free South Carolina  
13 identification card pursuant to Section 56-1-3350.

14 (9) In addition to the items contained in this section, the State  
15 Elections Commission may implement additional educational  
16 programs in its discretion.

17 (10) The State Election Commission shall implement necessary  
18 accommodations to allow voting in each county to comply with the  
19 Help America Vote Act.

20  
21 SECTION 13. The General Assembly finds that all the  
22 provisions contained in this act related to one subject as required  
23 by Section 17, Article III of the Constitution of this State in that  
24 each provision relates directly to or in conjunction with other  
25 sections to the subject of election reform as stated in the title. The  
26 General Assembly further finds that a common purpose or  
27 relationship exists among the sections, representing a potential  
28 plurality but not disunity of topics, notwithstanding that reasonable  
29 minds might differ in identifying more than one topic contained in  
30 this act.

31  
32 SECTION 14. The provisions of this act are not severable. If  
33 any section, subsection, item, subitem, paragraph, sentence, clause,  
34 phrase, or word of this act is for any reason held to be  
35 unconstitutional or invalid, it is to be conclusively presumed that  
36 the General Assembly would not have enacted any section,  
37 subsection, item, subitem, paragraph, sentence, clause, phrase or  
38 word of this act without the other provisions in this act and  
39 therefore this act in its entirety will be deemed invalid.

40  
41 SECTION 15. SECTION 2 takes effect on July 1, 2012.  
42 However, the implementation of the procedures provided for in  
43 SECTION 2 is contingent upon the State Election Commission's

1 receipt of funds necessary to implement these provisions. Until the  
2 provisions of SECTION 2 are fully funded and executed,  
3 implementation of the provisions of SECTION 2 do not prohibit  
4 the State Election Commission from issuing voter registration  
5 cards by the methods allowed before the implementation of  
6 SECTION 2.

7  
8 SECTION 16. Article 7, Chapter 13, Title 7 of the 1976 Code is  
9 amended by adding:

10  
11 “Section 7-13-862. Poll managers shall allow poll watchers to  
12 sit directly behind the poll managers responsible for voter  
13 identification and verification for the purpose of observing and  
14 hearing the voting process including, but not limited to, the  
15 observance and verification of the provisions of Section 7-13-60  
16 concerning voter identification.”

17  
18 SECTION 17. Except as otherwise provided in this act, this act  
19 takes effect upon approval by the Governor, except that SECTION  
20 8 is effective upon preclearance approval by the United States  
21 Department of Justice.

22 ----XX----

23