

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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5 AMENDED--NOT PRINTED IN THE HOUSE

6 Amt. No. 1A (Doc. Path council\agm\18976sd11)

7 April 6, 2011

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H. 3003

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

22

23 S. Printed 2/23/11--S.

24 Read the first time January 27, 2011.

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A BILL

11 RELATING TO REFORM OF THE SOUTH CAROLINA
12 ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA
13 ELECTION REFORM ACT”; TO AMEND SECTION 7-13-710
14 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO
15 AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO
16 VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE
17 IDENTIFICATION CANNOT BE PRODUCED, AND TO
18 PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION
19 TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125,
20 SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A
21 DUPLICATE REGISTRATION NOTIFICATION; TO AMEND
22 SECTION 56-1-3350, SO AS TO REQUIRE THE
23 DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE
24 IDENTIFICATION CARDS UPON REQUEST FOR PERSONS
25 AGED SEVENTEEN YEARS OR OLDER; TO AMEND
26 SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY
27 VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A
28 STATEWIDE PRIMARY OR GENERAL ELECTION AND TO
29 PROVIDE FOR THE HOURS AND EARLY VOTING
30 LOCATION; TO AMEND SECTION 7-3-20, SO AS TO
31 REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE
32 ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER
33 FILE A SEPARATE DESIGNATION FOR ABSENTEE AND
34 EARLY VOTERS IN A GENERAL ELECTION; TO AMEND
35 SECTION 7-15-320, SO AS TO REFERENCE THE EARLY
36 VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO
37 PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY
38 PAPER OR BY A VOTING MACHINE AND ABSENTEE
39 BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO
40 LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD
41 SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE
42 ELECTION COMMISSION WILL IMPLEMENT A SYSTEM

1 TO ISSUE VOTER REGISTRATION CARDS WITH A
2 PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A
3 VOTER EDUCATION PROGRAM CONCERNING THE
4 REQUIREMENTS OF THIS BILL; AND TO AMEND
5 SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING
6 TO ELECTION LAWS, SO AS TO MAKE TECHNICAL
7 CHANGES.

8 Amend Title To Conform

9

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

12

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

15

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

20

21 SECTION 2. Section 7-13-710 of the 1976 Code, as last amended
22 by Act 459 of 1996, is further amended to read:

23

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

26 (1) South Carolina driver’s license; or

27 (2) other form of identification containing a photograph
28 issued by the Department of Motor Vehicles, ~~if he is not licensed~~
29 ~~to drive, or the written notification of registration provided for by~~
30 ~~Sections 7-5-125 and 7-5-180 if the notification has been signed by~~
31 ~~the elector;~~ or

32 (3) passport; or

33 (4) military identification containing a photograph issued by
34 the federal government; or

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

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

40 (B) After presentation of the required identification described
41 in subsection (A), his the elector’s name must be checked by one
42 of the managers on the margin of the page opposite his name upon
43 the registration books, or copy of the books, furnished by the board

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

20 (C)(1) If the elector cannot produce the identification as
21 required in subsection (A), he may cast a provisional ballot that is
22 counted only if the elector brings a valid and current photo
23 identification to the county board of registration and elections
24 before certification of the election by the county board of
25 canvassers.

26 (2) If the manager disputes that the photograph contained on
27 the required identification is the person presenting himself to vote,
28 the elector may cast a provisional ballot. A determination of that
29 provisional ballot must be made in accordance with Section
30 7-13-830.

31 (D)(1)(a) If an elector does not produce a valid and current
32 photograph identification due to a religious objection to being
33 photographed, he may complete an affidavit under penalty of
34 perjury at the polling place and affirm that the elector: (i) is the
35 same individual who personally appeared at the polling place; (ii)
36 cast the provisional ballot on election day; and (iii) has a religious
37 objection to being photographed. Upon completion of the
38 affidavit, the elector may cast a provisional ballot. The affidavit
39 must be submitted with the provisional ballot envelope and be filed
40 with the county board of registration and elections before
41 certification of the election by the county board of canvassers.

42 (b) If an elector does not produce a valid and current
43 photograph identification because the elector suffers from a

1 reasonable impediment that prevents the elector from obtaining
2 photograph identification, he may complete an affidavit under the
3 penalty of perjury at the polling place and affirm that the elector:
4 (i) is the same individual who personally appeared at the polling
5 place; (ii) cast the provisional ballot on election day; and (iii) the
6 elector suffers from a reasonable impediment that prevents him
7 from obtaining photograph identification. The elector also shall
8 list the impediment, unless otherwise prohibited by state or federal
9 law. Upon completion of the affidavit, the elector may cast a
10 provisional ballot. The affidavit must be submitted with the
11 provisional ballot envelope and be filed with the county board of
12 registration and elections before certification of the election by the
13 county board of canvassers.

14 (2) If the county board of registration and elections
15 determines that the voter was challenged only for the inability to
16 provide proof of identification and the required affidavit is
17 submitted, the county board of registration and elections shall find
18 that the provisional ballot is valid unless the board has grounds to
19 believe the affidavit is false.

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

24 (a) note on the envelope containing the provisional ballot
25 that the voter complied with the proof of identification
26 requirement; and

27 (b) proceed to determine the validity of the remaining
28 challenges before ruling on the validity of the provisional ballot.”
29

30 SECTION 3. Section 56-1-3350 of the 1976 Code, as last
31 amended by Act 277 of 2010, is further amended to read:
32

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

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

38 (2) the applicant presents to the person issuing the
39 identification card a birth certificate or other evidence acceptable
40 to the department of his name and date of birth. For the purposes
41 of meeting the requirements of this item (2), the Department of
42 Motor Vehicles may receive and shall accept from the Bureau of
43 Vital Statistics of the Department of Health and Environmental

1 Control suitable information verifying the applicant's name and
2 date of birth.

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

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

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

17 (a) a supervised publicly or privately operated shelter
18 designed to provide temporary living accommodations, including
19 congregated shelters and transitional housing;

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

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

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

36 (D) Special identification cards issued to persons under the age
37 of twenty-one must be marked, stamped, or printed to readily
38 indicate that the person to whom the card is issued is under the age
39 of twenty-one.

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

1	Fees and Penalties	General Fund	Department of
2	Collected After	of the State	Transportation
3			State Non-Federal
4			Aid Highway Fund
5	June 30, 2005	60 percent	40 percent
6	June 30, 2006	20 percent	80 percent
7	June 30, 2007	0 percent	100 percent.”

8
9 SECTION 4. Chapter 63, Title 44 of the 1976 Code is amended
10 by adding:

11
12 “Section 44-63-65. The State Registrar in the Department of
13 Health and Environmental Control, solely for the purpose of
14 complying with the requirements of Section 56-1-3350, may
15 transmit to the Department of Motor Vehicles and the department
16 shall accept suitable information concerning the name and date of
17 birth of an applicant for a special identification card issued under
18 Section 56-1-3350. Notwithstanding the provisions of Section
19 44-63-110, this information shall be provided by the State
20 Registrar without charge.”

21
22 SECTION 5. The State Elections Commission shall establish an
23 aggressive voter education program concerning the provisions
24 contained in this legislation. The State Elections Commission
25 shall educate the public as follows:

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

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

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

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

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

41 (6) Place an advertisement describing the changes in this
42 legislation in South Carolina newspapers of general circulation at

1 the same time as advertisements for primary or general elections
2 are placed.

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

5 (8) In addition to the items contained in this section, the State
6 Elections Commission may implement additional educational
7 programs in its discretion.

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

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12 SECTION 6. Article 7, Chapter 13, Title 7 of the 1976 Code is
13 amended by adding:

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15 “Section 7-13-862. Poll managers shall allow poll watchers to
16 sit directly behind the poll managers responsible for voter
17 identification and verification for the purpose of observing and
18 hearing the voting process.”

19
20 SECTION 7. The General Assembly finds that all the provisions
21 contained in this act related to one subject as required by Section
22 17, Article III of the Constitution of this State in that each
23 provision relates directly to or in conjunction with other sections to
24 the subject of election reform as stated in the title. The General
25 Assembly further finds that a common purpose or relationship
26 exists among the sections, representing a potential plurality but not
27 disunity of topics, notwithstanding that reasonable minds might
28 differ in identifying more than one topic contained in this act.

29
30 SECTION 8. SECTION 1 takes effect on July 1, 2012. However,
31 the implementation of the procedures provided for in SECTION 1
32 is contingent upon the State Election Commission’s receipt of
33 funds necessary to implement these provisions. Until the
34 provisions of SECTION 1 are fully funded and executed,
35 implementation of the provisions of SECTION 1 do not prohibit
36 the State Election Commission from issuing voter registration
37 cards by the methods allowed before the implementation of
38 SECTION 1.

39
40 SECTION 9. Except as otherwise provided in this act, this act
41 takes effect upon approval by the Governor.

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