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PROPOSED AMENDMENTS TO H. 4919

February 14, 2022

The following are amendments that we believe would address our most significant concerns about the current text of H.4919.

PROPOSED AMENDMENTS

POLLING PLACES AND EARLY VOTING IN ELECTIONS OTHER THAN GENERAL ELECTIONS

The following amendment text addresses both issues in the distribution of polling places and the lack of clarity about early voting for elections other than general elections. A reference to “fixed” locations is deleting to accommodate those election offices that substantial investments in very helpful mobile satellite voting facilities.

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

"Section 7-13-25. (A) Monday through Saturday for a two-week period preceding a general election conducted pursuant to Section 7-13-10 or a primary, primary runoff, special election, or municipal election, all qualified electors of this State must be allowed to cast an early in-person ballot.

(B) The period of early voting begins at 8:30 a.m. and ends at 6:00 p.m. on each day of the early voting period, excluding Sunday, until the conclusion of the early voting period at 6:00 p.m. on the Saturday immediately prior to the general election.

(C) For a general election conducted pursuant to Section 7-13-10 each county board of voter registration and elections must establish early in-person voting locations in ~~an~~ a minimum amount based on the following formulas, whichever is higher, but not to exceed seven locations:

- (1) The number of registered voters in the county:
 - (a) 1 - 39,999 voters: one location
 - (b) 40,000 - 79,999 voters: two locations
 - (c) 80,000 - 119,999 voters: three locations
 - (d) 120,000 - 159,999 voters: four locations
 - (e) 160,000 - 199,999 voters: five locations
 - (f) 200,000 - 239,999 voters: six locations

- (g) 240,000 voters and up: seven locations
- (2) The size of the county in square miles:
 - (a) 0-199 square miles: one location
 - (b) 200-399 square miles: two locations
 - (c) 400-599 square miles: three locations
 - (d) 600-799 square miles: four locations
 - (e) 800-999 square miles: five locations
 - (f) 1000-1199 square miles: six locations
 - (g) 1200 square miles and up: seven locations

~~(D) The main office of each county board of voter registration and elections constitutes one of the early in-person voting locations as delineated in this section. County election boards shall consider conditions affecting voter access including population distribution, geography, and voter turnout history in locating in-person voting locations to ensure equitable access to all county residents.~~

(E) Each early in-person voting location must be at a ~~fixed~~ location with adequate public access. ~~Each location within a county must be at least ten miles apart.~~

(F) The county election board must set and publish the location of each early in-person voting center at least fourteen days before the early voting period begins. Publication of the schedule must be made, at a minimum, to a website or webpage managed by, or on behalf of, each respective county election board.

(G) Upon the daily closure of each early in-person voting location during the period established in subsection (B), all ballots must be transported to the county board of voter registration and elections and stored in a secure location.

(H) County boards of voter registration and elections, in their discretion, may establish any number of early in-person voting locations for use in primary, primary runoff, special elections, and all municipal elections, so long as at least one such location is provided and the formulas provided in this section do not apply.

(I) Each early voting center must have available every ballot style in use in the particular county for that election."

VOTER IDENTIFICATION

Our preferred amendment is to strike the ID requirement altogether. The current SEC process is sound and responsible and does not need any addition to ensure election security. Added Photo ID verification requirements elsewhere (for example Texas) have simply led to large scale rejection of applications from qualified electors. The current list of unverifiable Photo IDs in H.4919 will present even greater difficulties than the Texas situation. As currently written, the bill requires voters to submit Photo ID numbers that cannot be

verified by elections officials. They do not have access to any databases other than their own (even DMV numbers are not consistently available to SEC).

DELETION OF ID REQUIREMENT

Our preferred amendment is simple deletion of the Photo ID requirement.

SECTION 5. Section [7-15-340](#) of the 1976 Code is amended to read:

~~(2) The application also must contain a voter's South Carolina driver's license number or other personal or unique identification number associated with a valid and current, government-issued photo identification referenced in Section [7-13-710\(A\)](#)....~~

ALTERNATIVES: VOTER SIGNATURE VERIFICATION

If the Subcommittee demands some form of added security, the League's preference is the use of voter signature verification accompanied by notice and cure to ensure that qualified electors can vote. Signature verification is commonly used by other states.

The county board shall verify the signature of each elector on the absentee ballot application with the signature on the elector's registration record, according to the procedure provided by rules adopted by the State Election Commission.

ALTERNATIVES: LAST FOUR OF SOCIAL SECURITY NUMBER

If an ID Number requirement on the absentee ballot application is considered essential, that number should be the last four digits of a Social Security Number. This is the only external number that is consistently a part of South Carolina voter databases. Photo ID is irrelevant for an absentee ballot application which is usually not made in person, and even DMV numbers are not consistently available to Election Offices. Also, any new ID requirement should include accommodation for voters who have a reasonable impediment to providing the required form of ID, consistent with the spirit of §7-10-310(D) for in-person voting.

The section would then read:

(2) The application also must contain the last four digits of the voter's Social Security Number.

ID VERIFICATION CONTINGENT ON DATABASE ACCESS

The SEC has consistent access to DMV numbers only for persons who have registered to vote at SCVotes.gov. There should also be provision for voters who have a reasonable impediment, as in the case of other required uses of Photo ID in elections, for example:

Should the committee insist on Photo ID numbers, the League recommends the following:

(2) The application also must contain a voter's South Carolina driver's license number or other personal or unique identification number associated with a valid and current, government-issued photo identification referenced in Section [7-13-710\(A\)](#). These numbers are subject to verification and discrepancies will be considered in accepting or rejecting ballot applications only at such time as the South Carolina State Election Commission has access to databases needed to verify this information. An elector who has a reasonable impediment to providing such an ID number will be issued a provisional absentee ballot.

UNACCEPTABLE ALTERNATIVES

Very undesirable “fixes” for this provision would include:

- requiring copies of Photo ID to be submitted with every application. This requirement would inhibit voting by persons who lack the resources for easy copying of documents.
- We also oppose a requirement of notarized application, again an impediment for many voters.

NOTICE AND CURE

Voters should not be left wondering why they have not received an absentee ballot application and should have the maximum possible time to resubmit their application with corrections. The following provision should be added:

"Section 7-15-425. (A) If it is determined that an absentee ballot application has any defect that would lead to its rejection, the board shall, within one day of such determination, send to the absentee voter's address indicated in the registration records and, if different, the mailing address indicated on the absentee ballot application, a notice explaining the reason for initially rejecting the absentee ballot application and the procedure to cure the rejection. The county board shall at the same time contact the voter by either electronic mail or telephone, if such information is available to the board in the voter's registration information, in order to notify the voter of the deficiency. The voter will be informed that they may immediately resubmit their application."

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