U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Chris Whitmire
Title	Director of Public Information & Training
Office/Agency Name	S.C. State Election Commission
Address 1	1122 Lady St.
Address 2	
City	Columbia
State	South Carolina
Zip Code	29201
E-mail Address	cwhitmire@elections.sc.gov
Telephone (area Code and number)	(803) 734-9070
Fax Number (area code and number)	

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voter marks more names or choices than the number of seats to be filled or questions to be answered. (From SEC document "Uniform Definition of What Constitutes a Vote")

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voter votes for no candidates, or fewer candidates than allowed. (From SEC document "Uniform Definition of What Constitutes a Vote")

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

his would be widely understood as a ballot with no markings.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A ballot issued to a voter that is damaged or mismarked and is returned by the voter in exchange for a replacement ballot. S.C. Code of Laws SECTION 7-13-1150.

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A ballot voted when there is some question as to whether a voter is qualified to vote in the election, which cannot be immediately resolved. S.C. Code of Laws SECTION 7-13-710, 7-13-810, 7-13-820, 7-13-830

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee voting is the process by which voters who meet one of the qualifications to vote absentee cast a ballot prior to Election Day.
S.C. Code of Laws, Title 7, Chapter 15.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

N/A.

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter whose name is on the list of active, registered voters. S.C. Code of Laws SECTION 7-1-20 (15).

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter whose name is not on the list of active, registered voters.

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Domicile (Residency): S.C. Code of Laws SECTION 7-1-25

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Legislation enacting new Photo ID requirements went into effect on January 1, 2013. The law made several changes to the way S.C. conducts elections. The most significant of these is the change to the list of IDs required to vote. Voters are now asked to provide one of the following current and valid forms of photo ID to vote in person:
-S.C. Driver's License
-S.C. DMV ID Card *
-S.C. Voter Registration Card with photo**
-Federal Military ID with photo
-U.S. Passport
* Now available free of charge from DMV for persons age 17 and older
** Now available free of charge at all county voter registration and elections offices

The photo ID law contains exceptions for voters who have a religious objection to being photographed and for voters who have a reasonable impediment to obtaining photo ID. Voters claiming a religious objection or reasonable impediment must complete an affidavit provided to them at their polling place before voting.

For the legislation, see:
http://www.scstatehouse.gov/sess119_2011-2012/bills/3003.htm
For more information:
http://www.scvotes.org/2012/09/24/photo_id_requirements

S.C. also recently passed Online Voter Registration, Act 265 of 2012. Online voter registration allows any qualified citizen with a S.C. Driver's License or DMV ID card to submit their registration application online through the State Election Commission's website.

For the legislation, see:
http://www.scstatehouse.gov/sess119_2011-2012/bills/4945.htm
For more information:
http://www.scvotes.org/south_carolina_voter_registration_information

2016 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Top-down system.	

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
N.A.	

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Voters are placed on inactive status only by the State office. Convictions are made inactive based on a match with a file we receive from the State and Federal courts. The file is compared to the statewide database and voters receive a letter that they were placed on inactive status and what steps they need to take to re-register.
Deaths are placed on inactive status based on a file from Vital Statistics. The file is matched on full SSN, birthdate, and Name (same for convictions).
Voters who move are placed on inactive status based on returned mail or information we receive from county offices or the voter.
Online voter registration bill, if precleared, would require SC DMV to provide SEC with information on voters who have surrendered driver's licenses in other states.
Written requests are when voters send a written request to be removed.
Confirmation mailings - voters who do not respond to the mailing are placed on inactive status for failure to respond to

2016 Response:

Voters are placed on inactive status only by the State office. Convictions are made inactive based on a match with a file we receive from the State and Federal courts. The file is compared to the statewide database and voters receive a letter that they were placed on inactive status and what steps they need to take to re-register.
Deaths are placed on inactive status based on a file from Vital Statistics. The file is matched on full SSN, birthdate, and Name (same for convictions).
After the 2016 GE, the SEC will begin comparing the statewide voter registration list with the Social Security Administration's list of deceased persons to remove deceased voters from the voter registration list.
The SC Department of Motor Vehicles is also required to provide the SEC with information on voters who have surrendered driver's licenses in other states.
Written requests are when voters send a written request to be removed.
South Carolina also participates in the Interstate Crosscheck

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Voters are archived once per year. Moves and conviction status voters are archived every 2 years. Deaths are archived every year. Confirmation mailing voters are archived after 2 consecutive general elections.

2016 Response:

Voters are archived once per year. Moves and conviction status voters are archived every 2 years. Deaths are archived every year. Confirmation mailing voters are archived after 2 consecutive general elections. Even though voters may be archived, their records are retained indefinitely within the statewide voter registration system.

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

With Online Voter Registration, DMV records are used to verify information submitted by voters online during the registration process. Data is imported from DMV into the voter registration system, as well as a digital image of the voter's signature.
The SC DMV is also required to share information with the SEC regarding voters who surrendered their driver's licenses in other states.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

We do not currently use the NCOA.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Any person who is convicted of a felony or an offense against the election laws is not qualified to register or to vote, unless the disqualification has been removed by service of the sentence, unless sooner pardoned. Service of sentence includes completion of any prison/jail time, probation, parole, and payment of restitution. Felons must re-apply for registration. The law does not require proof of service of sentence, but does require the person to be qualified. A voter registration board may require proof of service of sentence in some situations.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The voter registration application is available online at scvotes.org, where it can be printed, completed, and mailed, faxed, or emailed to the voter's county voter registration office.
See notes above regarding online voter registration.

2016 Response:

Any citizen with a SC Driver's License or SC DMV ID card can submit an online application at scvotes.org.

The voter registration application is also available online at scvotes.org, where it can be printed, completed, and mailed, faxed, or emailed to the voter's county voter registration office.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Both at the precinct and centrally. Vote tallies are posted at the polling place on election night, then ballots are sent to county election office for central tabulation.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Ballots are not sent back to the precinct, but vote totals are reported by precinct.

2016 Response:

Vote totals are reported by precinct. If a voter votes at a polling place on election day, those votes are reported in that voter's precinct of residence.

If a voter votes absentee, provisional, or emergency; those votes are reported in a virtual precinct for each category. Those votes are not reported in the voter's precinct of residence.

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

They are reported as a single number in a virtual "absentee" precinct.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

They are included in the absentee precinct.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

S.C. requires a reason for voting absentee.
7-15-310.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

S.C. does not have early voting.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

2016 Response:

A ballot voted when there is some question as to whether a voter is qualified to vote in the election, which cannot be immediately resolved.
Generally, provisional ballots fall into the following categories:
1. Failsafe provisional ballots - the voter has moved to a new precinct and has not updated his address. State law allows the voter to cast provisional ballot in his former precinct containing only federal, statewide, and county-wide offices. The voter must first complete a change of address form.
2. A challenge can be made by a poll manager, a qualified watcher, or an elector.
3. A voter who forgets to bring his Photo ID can vote a provisional ballot that will count only if the voter shows his Photo ID to the county board of voter registration and elections prior to certification of the election.
4. A voter who does not have a Photo ID can vote a provisional ballot after showing his non-photo voter registration card and signing an affidavit attesting to his identity and the reason he was unable to obtain the ID. This ballot will count unless the county board of voter registration and elections has reason to believe the affidavit is false.
S.C. Code of Laws SECTION 7-13-710, 7-13-810, 7-13-820, 7-13-830, 7-13-1880

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Ballots cast by a voter in the wrong precinct are not counted at the provisional ballot hearing. State law requires voters to vote in their precinct. SECTION 7-5-120 and 7-7-910.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

There are no state laws regarding post election audits, but there are procedures. A statewide audit of all voting system data is conducted after every state-level election. Audit data and results are posted on the SEC's website, scvotes.org.

2016 Response:

There are no state laws regarding post election audits, but there are SEC policies and procedures. A statewide audit of all voting system data is conducted after every state-level election. Audit data and results are posted on the SEC's website, scvotes.org.

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Poll managers must complete a training program approved by the State Election Commission. S.C. Code of Laws Section 7-13-72.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

S.C. does not capture this information.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A current valid photo ID or a copy of a current utility bill, bank statement, paycheck or other government document that shows your name and address in this county.

2016 Response:

There are no general state requirements to provide identification to register to vote.
State law mirrors the Help America Vote Act in requiring a current valid photo ID or a copy of a current utility bill, bank statement, paycheck or other government document that shows your name and address in this county to register to vote by mail.
State law requires voters to complete a voter registration application and for county boards of voter registration and elections to be satisfied that the voter is qualified to register in the county.
SEC policy and procedures instruct county boards to accept the HAVA IDs for voter registration in person.
To register online, a voter must have a SC Driver's License or SC DMV ID.

b. casting an in-person ballot;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Voter registration card, driver's license, or DMV-issued ID card.

2016 Response:

SC Driver's License, Identification Card with a photo issued by the SC DMV, photo voter registration card, federal military ID, U.S. Passport.

A voter who encounters some impediment to getting one of these Photo IDs may vote a provisional ballot after showing their non-photo voter registration card and signing an affidavit attesting to their identity and impediment. This ballot will count unless the county board of voter registration and elections has reason to believe the affidavit is false.

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

No ID required. Signature on application is verified.

2016 Response:

The same Photo ID requirements apply to voting absentee in person. However, there are no ID requirements for voting absentee by mail.

d. casting a ballot under UOCAVA;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

No ID required. Signature on application is verified.

2016 Response:

No ID required. Signature on application is verified.
However, if a UOCAVA voter were to vote absentee in person, the same Photo ID requirements would apply.

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In person absentee voting would require same ID as casting an in-person ballot.(b).

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Watchers:
Each candidate in a primary election, or a non-partisan or announced write-in candidate in a general election, may appoint one watcher at a time for any voting place where this candidate's name is on the ballot. However, in any general or special election, all candidates of the same political party shall be jointly represented at any one polling place by not more than 2 watchers for each 1,000 registered voters or fraction thereof registered at such polling place. (7-13-860)
Observers:
Since elections are public functions, individuals representing organizations or themselves may observe the election process. These observers may stay inside the polling place if they do not talk to voters or interfere with the election process. Because of a polling place size, observers may be limited in number. Observers, as with anyone inside the polling place, may not display any type of campaign literature including a badge or item of clothing. Observers must conduct themselves in an orderly manner. Observers who are disorderly or unruly may be removed from the polling place (Section 7-13-140).

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below